



**REGULAR MEETING OF COUNCIL
Tuesday, March 28, 2023 @ 4:00 PM
Ucluelet Community Centre
500 Matterson Drive, Ucluelet**

AGENDA

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1. CALL TO ORDER	
1.1 ACKNOWLEDGEMENT OF THE YUULUŦİŦATH Council would like to acknowledge the YuuluŦifŦath, on whose traditional territories the District of Ucluelet operates.	
1.2 NOTICE OF VIDEO RECORDING Audience members and delegates are advised that this proceeding is being video recorded and broadcast on Zoom, which may store data on foreign servers.	
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<i>Bruce Greig, Director of Community Planning</i>
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Appendix B - Draft Development Variance Permit 23-03
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Deputy Mayor, January 1 - March 31, 2023
- 11.3 Councillor Ian Kennington
Deputy Mayor, July 1 - September 30, 2023
- 11.4 Councillor Mark Maftei
Deputy Mayor, October 1 - December 31, 2023
- 11.5 Mayor Marilyn McEwen

12. QUESTION PERIOD

13. CLOSED SESSION

13.1 Procedural Motion to Move In-Camera

THAT the meeting be closed to the public in order to address agenda items under Section 90(1)(e) of the Community Charter:

- the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

14. ADJOURNMENT

DISTRICT OF UCLUELET
MINUTES OF THE REGULAR COUNCIL MEETING
HELD IN THE UCLUELET COMMUNITY CENTRE, 500 MATTERSON DRIVE
Tuesday, March 14, 2023 at 4:00 PM

Present: **Chair:** Mayor McEwen
 Council: Councillors Anderson (Via Zoom), Hoar, Kennington, and Maftai
 Staff: Duane Lawrence, Chief Administrative Officer
 Donna Monteith, Chief Financial Officer
 Bruce Greig, Director of Community Planning
 Abby Fortune, Director of Parks and Recreation
 James MacIntosh, Director of Engineering Services
 Joseph Rotenberg, Manager of Corporate Services
 John Towgood, Municipal Planner
 Monica Whitney-Brown, Planning Assistant
 Samantha McCullough, Executive Assistant

Regrets:

1. CALL TO ORDER

The Council meeting was called to order at 4:10 PM.

1.1 ACKNOWLEDGEMENT OF THE YUULU?IL?ATH

Council acknowledged the Yuulu?il?ath, on whose traditional territories the District of Ucluelet operates.

1.2 NOTICE OF VIDEO RECORDING

Audience members and delegates were advised that the proceeding was being video recorded and broadcast on Zoom, which may store data on foreign servers.

The Clerk clarified that due to technical difficulties, the meeting would likely not be broadcast on YouTube.

2. LATE ITEMS

- **2023 Grants in Aid and In-Kind Contributions**
Donna Monteith, Chief Financial Officer
- **CMHC Rapid Housing Initiative Grant - 1300 Peninsula Road [Updated]**
Bruce Greig, Director of Community Planning
- **449 Marine Drive Temporary Use Permit**
Paulette Bellavance, Resident

2023.2075.REGULAR *It was moved and seconded **THAT** the March 14, 2023 Regular Meeting agenda be amended as follows:*

1. *by adding late item 1.1., “2023 Grants in aid and In-Kind Contributions” as report item 9.8. and renumber the agenda accordingly;*
2. *by replacing report item 9.7. with late item 1.2., “CMHC Rapid Housing Initiative Grant – 1300 Peninsula Road [Updated]”; and*
3. *by adding late item 1.3., “449 Marine Drive Temporary Use Permit” to report item 9.4 “Temporary Use Permit 23-02 (449 Matterson Drive)”.*

CARRIED.

3. APPROVAL OF THE AGENDA

3.1 March 14, 2023, Regular Council Meeting Agenda

2023.2076.REGULAR *It was moved and seconded **THAT** the March 14, 2023, Regular Council Meeting Agenda be approved as amended.*

CARRIED.

4. ADOPTION OF MINUTES

4.1 February 21, 2023, Regular Minutes

Council noted the Mr. Mills' name was spelt incorrectly.

2023.2077.REGULAR *It was moved and seconded **THAT** Council adopt the February 21, 2023, Regular Meeting Minutes as amended.*

CARRIED.

4.2 February 23, 2023, Special Minutes

2023.2078.REGULAR *It was moved and seconded **THAT** Council adopt the February 23, 2023, Special Meeting Minutes as presented.*

CARRIED.

5. PUBLIC INPUT & DELEGATIONS

5.1 Delegations

Faye Missar, Coastal Family Resource Coalition
Re: Community Health Priorities from the Coming Together Forum

Ms. Missar provided an overview of the health priorities identified at the 2022 Coming Together Forum attended by 90 health workers and community leaders, and hosted by the Coastal Family Resource Coalition. The following priority items were identified at the Forum:

- child and youth services and supports;
- transportation that connects all communities;
- funding and infrastructure;

- access to primary care;
- substance use;
- housing; and
- healthcare worker burnout.

Ms. Missar went on to outline the municipality's role addressing these priorities and requested a progress update on the creation of a Municipal Alcohol Policy.

2023.2079.REGULAR

*It was moved and seconded **THAT** the meeting be recessed for five minutes.*

CARRIED.

The meeting was adjourned 4:18 PM to address technical difficulties associated with video broadcasting. The meeting reconvened at 4:27 PM. At this point in time technical difficulties with video broadcasting on Zoom were resolved but the technical difficulties with broadcasting on YouTube were not. As a result, the meeting was not broadcast on YouTube.

After the meeting reconvened Ms. Missar completed the presentation.

6. PUBLIC HEARINGS

6.1 District of Ucluelet Zoning Amendment Bylaw No. 1324, 2023 and Development Variance Permit DVP23-02

The Mayor noted that the subject Bylaw and Development Permits relate to the property at 1300 Peninsula Road. The Mayor then outlined the rules of the public hearing and the Mayor and Clerk explained how members of the public could participate in the hearing.

The public hearing was declared open at 4:42 PM.

6.2 Proposed Bylaw, Proposed Development Variance Permit, and Background Information

Bruce Greig, Director of Community Planning, provided an overview of the subject Bylaw and Development Variance Permit.

As the District is the applicant for the rezoning, Mr. Greig also outlined the District's planned supportive housing development on the subject property and related Canada Mortgage and Housing Corporation Rapid Housing Initiative Grant application. This included a timeline and next steps for the project.

6.3 Related Written Submissions Received During the Notice Period

The Mayor requested that the Clerk read related correspondence received before the public hearing commenced but after the late agenda was published.

The Clerk read an email from Alex Klimek, resident, in opposition to the rezoning. The author noted concerns with increased density and wildlife impact.

6.4 Public Input

The Mayor called for public input three times. The following input was received:

- Judy Gray, 506 Marine Drive, provided her account of the history of the subject property and noted that a previous Council had denied an application to rezone the property for a six-plex. She also noted safety concerns raised during that rezoning application associated with the proximity of the wildlife corridor to the elementary.
- Matt Harbridge, 1816 Peninsula Road, expressed concerns about the quality of proposed construction of the units. He objected to the use of modular homes.
- Costian Leonard, 1288 Peninsula Road, expressed concerns with the parking on the site.
- Kathleen Congdon, 1192 Eber Road, spoke in support of the project but expressed concern about congestion and parking.
- Laurie Hannah, Executive Director of the Westcoast Community Resources Society, spoke in support of the project and noted demand for supportive housing as well as modular homes being comfortable to live in.

The public hearing was closed at 5:12 PM.

7. UNFINISHED BUSINESS

There was no unfinished business.

8. BYLAWS

8.1 Zoning Amendment and DVP for 1300 Peninsula Road *Bruce Greig, Director of Community Planning*

Council noted parking concerns raised during the public hearing could be addressed at a later stage in the development.

- 2023.2080.REGULAR *It was moved and seconded THAT Council, with regard to the proposed development of 5 affordable housing units at 1300 Peninsula Road:*
1. *give third reading and adopt District of Ucluelet Zoning Amendment Bylaw No. 1324, 2023; and,*

2. *authorize the Director of Community Planning to execute and issue Development Variance Permit 23-02.*

CARRIED.

9. REPORTS

9.1 Peninsula Road Safety and Revitalization

James MacIntosh, Director of Engineering Services

Mr. MacIntosh presented this report in conjunction with Sean O'Conner (contractor from McElhanney Construction Engineering Company) and Kate Evans (contractor from Lanarc).

- Mr. MacIntosh addressed project design iterations which account for public feedback and escalating costs, and outlined Council's options;
- Mr. O'Conner presented a video 3D rendering flythrough of the design for proposed safety and revitalization of Peninsula Road between Forbes Road and Main Street;
- Ms. Evans provided details about the project related to landscape architecture and design iterations intended to enhance safety and project feasibility.

Mr. MacIntosh responded to Council questions related to the Ministry of Transportations and Infrastructure's timeline for the project. He noted that paving could be completed in 2024.

Mr. MacIntosh also addressed Council questions related to the quality of the planned work. Council emphasized the need for the works to be long-lasting and quality. Council also discussed the need to coordinate these works with the Storm Drain project and discussed concerns with escalating costs.

2023.2081.REGULAR *It was moved and seconded **THAT** Council direct staff to proceed with the Peninsula Road Safety and Revitalization Project as presented in 23-32 staff report and report back to Council with project phasing options for consideration.*

CARRIED.

9.2 Contract Authorization for Peninsula Road Storm Water System Engineering

James MacIntosh, Director of Engineering Services

Mr. MacIntosh presented this report, and reviewed Council's options.

Council discussed concerns related to the District's aging assets and infrastructure. The direct award of the contract was also discussed.

2023.2082.REGULAR *It was moved and seconded **THAT** Council authorize the District to enter into a funding agreement for the provision of \$100,000 from the Ministry of Transportation and Infrastructure to fund their portion of the Peninsula Road storm water system engineering.*

CARRIED.

2023.2083.REGULAR *It was moved and seconded **THAT** Council direct staff to include \$183,000 plus applicable taxes in the 2023 capital budget for Peninsula Road storm water system engineering with the District's portion of the engineering costs funded through the BC Growing Communities Fund.*

CARRIED.

2023.2084.REGULAR *It was moved and seconded **THAT** Council authorize the award of a contract for \$183,000 plus all applicable taxes to McElhanney Engineering for the engineering services and design of the Peninsula Road storm water system.*

CARRIED.

9.3 Amphitrite House Construction Contract **James MacIntosh, Director of Engineering Services**

Mr. MacIntosh presented this report.

Council discussed escalated project costs and noted that this project is funded through the Resort Municipality Initiative, not property taxation.

2023.2085.REGULAR *It was moved and seconded **THAT** Council authorize the Mayor and Corporate Officer to execute a \$1,355,000 contract between the District of Ucluelet and Saltwater Building Co LTD for the supply of materials and labour to reconstruct the Amphitrite House and grounds inclusive of a \$150,000 contingency.*

CARRIED.

The meeting was recessed at 6:09 PM and the meeting recommenced at 6:16 PM.

9.4 Temporary Use Permit 23-02 (449 Matterson Drive) **Monica Whitney-Brown, Planning Assistant**

Ms. Whitney-Brown presented this report.

The Mayor provided an opportunity for the applicant's representative to speak. Kyle Corcoran noted the proposed amended Temporary Use Permit's (TUP) compliance with concerns raised at a previous Council meeting.

The Mayor called for comment from the public on the proposed TUP.

Paulette Bellavance, 1462 Victoria Road, opposed issuing the TUP. She noted safety concerns with the applicant's current worksite along

Victoria Road and Matterson Drive. Ms. Bellavance also noted that camping is available at local campgrounds.

The Clerk read the following emails received after the late agenda had been published:

- Bob and Pat Walton, 457 Marine Drive, supported the TUP;
- Destiny Poruchny, 1449 Victoria Road, opposed the TUP and noted concerns with cost savings derived from the TUP being passed on to consumers, project timelines and submitted that the applicant should house their employees in local accommodations;
- Karla Robison, 1435 Victoria Road, opposed the TUP and raised questions about the duration of TUP and whether it will be extended, as well as whether the cost savings derived from the TUP will be passed on to consumers. She also raised safety concerns associated with the applicant's current worksites.
- Michael Grandbois, 1328 Victoria Road, opposed the TUP and noted concerns with noise, wildlife attractants, waste management, aesthetics, and safety associated with the applicant's current worksite.

Council discussed the revised TUP and the public input. Council weighed the public benefit of issuing the permit against the opposition to the TUP.

Council also noted safety concerns associated with the applicants worksites along Victoria Road and Matterson Drive.

2023.2086.REGULAR *It was moved and seconded **THAT** Council authorize the Director of Community Planning to execute and issue Temporary Use Permit 23-02 to allow five seasonal Recreational Vehicle (RV) camping spaces for local workers at 449 Matterson Drive for a period of one year.*

CARRIED.

9.5 Temporary Use Permit for 1950 Peninsula Rd. Monica Whitney-Brown, Planning Assistant

Ms. Whitney-Brown presented this report.

The Mayor provided an opportunity for the applicant's representative to present. The applicants outlined the proposed use and operations on the subject property. The subject property will be used for wholesale trade, warehousing, light manufacturing and retails uses.

The Mayor called for comment from the public on the proposed Temporary Use Permit (TUP). Judy Gray, 506 Marine Drive, spoke in support of the TUP, and noted the success of this business and

importance of supporting local businesses.

Council noted the strategic importance of creating a business friendly climate for local businesses.

2023.2087.REGULAR *It was moved and seconded **THAT** Council authorize the Director of Community Planning to execute and issue Temporary Use Permit 23-05 to allow wholesale trade, warehousing and light manufacturing uses in a portion of the Service Commercial property located at 1950 Peninsula Road for a period of three years.*

CARRIED.

9.6 Development Variance Permit for 1425 Helen Road Monica Whitney-Brown, Planning Assistant

Ms. Whitney-Brown presented this report.

The Mayor provided an opportunity for the applicant to present. She was available to respond to Council questions but did not present.

The Mayor called for comment from the public on the proposed Development Variance Permit.

The Clerk read three emails in opposition to the Development Variance Permit:

- Denise Stoddard, 184 Matterson Drive, noted concerns safety associated with road congestions;
- Tracy Andrew, noted concerns pedestrian traffic safety concerns and conflict with the planned future sidewalk;
- Jennifer Clark, 231 Otter Road, noted concerns with congestion and that parking should be considered a cost of doing business for Bed and Breakfasts.

Council discussed concerns over on street parking on Helen Road.

Council asked the applicant what steps have been taken towards providing on site parking? The applicant noted that no concrete steps had been taken to date.

2023.2088.REGULAR *It was moved and seconded **THAT** Council authorize the Director of Community Planning to execute and issue Development Variance Permit DVP22-09 to waive the on-site parking requirements for a Bed & Breakfast use at 1425 Helen Road for a maximum period of two years.*

CARRIED.

9.7 CMHC Rapid Housing Initiative Grant - 1300 Peninsula Road [Updated]

Bruce Greig, Director of Community Planning

The mayor noted that this item is Late Agenda Item 1.2. as the previous report had been replaced.

Mr. Greig, presented this report.

2023.2089.REGULAR *It was moved and seconded **THAT** the Regular Council Meeting continue past three and a half hours.* CARRIED.

This resolution was adopted at 7:24 PM.

2023.2090.REGULAR *It was moved and seconded **THAT** Council authorize staff to submit a grant application for the 2023 Canada Mortgage and Housing Corporation Rapid Housing Initiative grant in an amount of \$3,534,610 for the 5-Unit Supportive Housing Project located at 1300 Peninsula Road.* CARRIED.

2023.2091.REGULAR *It was moved and seconded **THAT** Council authorize the Mayor and Corporate Officer to execute a non-binding Memorandum of Understanding with the Westcoast Community Resource Society for the ongoing operation of the Five-Unit Supportive Housing Development proposed to be built at 1300 Peninsula Road, should the District succeed in obtaining project funding from the 2023 CMHC RHI grant.* CARRIED.

2023.2092.REGULAR *It was moved and seconded **THAT** Council authorize the Mayor and Corporate Officer to execute a contract between Saltwater Building Co LTD and the District of Ucluelet for the Pre-Construction/Design Phase of the Five-Unit Supportive Housing Development proposed to be built at 1300 Peninsula Road for an amount not to exceed \$106,375 excluding taxes, funded from the Affordable Housing Reserve.* CARRIED.

2023.2093.REGULAR *It was moved and seconded **THAT** the Council meeting be recessed for five minutes.* CARRIED.

9.8 2023 Grants in Aid and In-Kind Contributions
Donna Monteith, Chief Financial Officer

Councillor Maftai recused himself due to a direct pecuniary interest and left the meeting at 7:29 PM.

The Mayor noted that this is Late Agenda Item 1.1.

Ms. Monteith presented the report and outlined the process which lead to Staff recommended allocation of Grant-In Aid funds.

2023.2094.REGULAR *It was moved and seconded **THAT** Council authorize the Grants in Aid and In-Kind contributions for 2023 as presented in Appendix B, Schedule of 2023 Grants in Aid and Council Contribution Requests attached to staff report No. 23-39.*

CARRIED.

**9.9 Notice of Land Disposition - Nuu-Chah-Nulth Tribal Council
Abby Fortune, Director of Parks & Recreation**

Councillor Maftei rejoined the meeting at 7:33 PM.

Ms. Fortune provided an overview of the report.

2023.2095.REGULAR *It was moved and seconded **THAT** Council authorize staff to issue a public Notice of Property Disposition for a portion of Lot A, Plan VIP569363, District Lot 281, Clayoquot Land District, Except Plan VIP81595 and more commonly referred to as 500 Matterson Drive portion of the building known as Office 143 and use of group/common space, by way of lease, for a term of three years from April 1, 2023, to March 31, 2026 in an amount of*

*\$379.10 per month plus GST between April 1, 2023 to March 31, 2024;
\$386.68 per month plus GST between April 1, 2024 to March 31, 2025;
and
\$394.41 per month plus GST between April 1, 2025 to March 31, 2026
plus GST*

CARRIED.

**9.10 Accessibility Committee - Establishment
Joseph Rotenberg, Manager of Corporate Services**

Mr. Rotenberg provided an overview of the report.

2023.2096.REGULAR *It was moved and seconded **THAT** Council approve the Accessibility Committee Terms of Reference as presented.*

CARRIED.

2023.2097.REGULAR *It was moved and seconded **THAT** Council establish an advisory committee known as the Accessibility Committee, governed by the Accessibility Committee Terms of Reference.*

CARRIED.

2023.2098.REGULAR *It was moved and seconded **THAT** Council direct Staff to commence the recruitment for the Accessibility Committee and present Committee membership applications for Council Appointment.*

CARRIED.

10. NOTICE OF MOTION

There were no notices of motion.

11. CORRESPONDENCE**11.1 Snow Removal**
Matt Harbidge

Council discussed Mr. Harbidge's letter and noted that it reflects community sentiment regarding the snow event. Staff noted a policy intended to mitigate events like this will be presented to Council for consideration.

11.2 Help Cities Lead - Report Back to Supporting Councils
Will Cole-Hamilton, Councillor, City of Courtenay**11.3 Fibromyalgia Association Canada**
Suzy Groenewegen, Alberta Regional Representative, Fibromyalgia Association Canada**12. INFORMATION ITEMS****12.1 Ombudsperson Programming and Supports for Local Governments**
Jay Chalke, Ombudsperson, Province of British Columbia**12.2 VICEDA Distribution - Pan Van Isle Tourism Marketing Workshop**
Keith Granbois, Chief Financial Officer & VP of Business Development, Nanaimo Airport Commission**12.3 Celebrating Success: West Coast Resident Divert Equivalent of 125 Sea Lions of Organics From Landfill**
Jodie Frank, ACRD Organics Coordinator**12.4 2023-02-22 ACRD Receives BC Active Transport Funding for Trails**
Heather Thomson, ACRD Communications Coordinator**13. MAYOR'S ANNOUNCEMENTS AND COUNCIL COMMITTEE REPORTS****13.1 Councillor Shawn Anderson**
Deputy Mayor, April 1 - June 30, 2023**13.2 Councillor Jennifer Hoar**
Deputy Mayor, January 1 - March 31, 2023

- Attended the Wild Pacific Trail Society meeting March 1, 2023.
- Attended the Strategic Planning Session with District of Ucluelet Staff March 1 and 2, 2023.
- Received notice that additional funding for public libraries is included in 2023 provincial budget.

13.3 Councillor Ian Kennington
Deputy Mayor, July 1 - September 30, 2023

13.4 Councillor Mark Maffei
Deputy Mayor, October 1 - December 31, 2023

13.5 Mayor Marilyn McEwen

- Attended the Alberni Clayoquot Regional District Budget Committee of the Whole and Board Meeting on February 22, 2023.
- Attended the District of Ucluelet (DOU) facilities tour on February 23, 2023.
- Attended the Ucluelet Chamber of Commerce AGM. Noted that the Chamber is currently recruiting Board Members.
- February 27, 2023 met with MP Gord Johns.
- Attended West Coast Committee Meeting on March 1, 2023 where lease recommendations related to two leases at the Long Beach Airport were discussed.
- Attended Strategic Planning Session with DOU Staff on March 1 and 2, 2023.
- Attended DOU Budget Open House on March 7, 2023.
- Attended March 8, 2023, Allberni Clayoquot Regional District Budget Committee of the Whole Meeting.
- March 14, 2023 met with the new Ucluelet RCMP Detachment Commander, Sergeant Jones. The Mayor welcomed Sergeant Jones to the community.
- Mayor McEwen noted Whale Fest 2023 events are available on the Whale Fest's website.

14. QUESTION PERIOD

14.1 Kathleen Congdon, 1192 Eber Road

Ms. Congdon requested that Council consider traffic safety issues associated with the intersection at Norah and Peninsula Road as part of the Peninsula Road Revitalization and Safety Project. She noted concerns associated with turning vehicles backing out of parking spots on Norah Road near that intersection.

15. CLOSED SESSION

15.1 Procedural Motion to Move In-Camera

2023.2099.REGULAR *It was moved and seconded **THAT** the meeting be closed to the public in order to address agenda items under Section 90(1)(a) of the Community Charter which is a matter related to personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality.*

CARRIED.

The meeting was closed to the public at 7:55 PM.
The meeting was reopened to the public at 8:05 PM.

16. ADJOURNMENT

The meeting was adjourned at 8:05 PM.

CERTIFIED CORRECT: Minutes of the Regular Council Meeting held on Tuesday, March 14, 2023 at 4:00 pm in the Ucluelet Community Centre 500 Matterson Road, Ucluelet, BC.

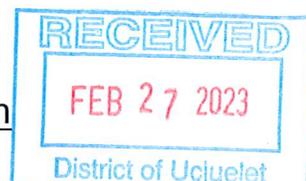
Duane Lawrence, Corporate Officer

Marilyn McEwen, Mayor



DISTRICT OF UCLUELET

Request to Appear as a Delegation



All delegations requesting permission to appear before Council are required to submit a written request or complete this form and submit all information or documentation by 12:00 p.m. five clear days before a Council Meeting. Applicants should include the topic of discussion and outline the action they wish Council to undertake.

All correspondence submitted to the District of Ucluelet in response to this notice will form part of the public record and will be published in a meeting agenda. Delegations shall limit their presentation to ten minutes, except by prior arrangement or resolution of Council.

Please arrive 10 minutes early and be prepared for the Council meeting. The Mayor (or Acting Mayor) is the chairperson and all comments are to be directed to the chairperson. It is important to address the chairperson as Your Worship or Mayor McEwen.

The District Office will advise you of which Council meeting you will be scheduled for if you cannot be accommodated on your requested date. For more information contact the District Office at 250-726-7744 or email info@ucluelet.ca.

Requested Council Meeting Date: MARCH 14, 2023

Organization Name: FOOD BANK ON THE EDGE SOCIETY

Name of person(s) to make presentation: CRIS MARTIN; MAYCO NOEL

Topic: REPLACEMENT BUILDING FOR THE FOOD BANK ON THE EDGE

Purpose of Presentation:

Information only

Requesting a letter of support

Other (provide details below)

Please describe:

We are preparing to put a down payment on a 1350 sq. ft. manufactured building. Our ask is a financial contribution from the District of Ucluelet in the amount of \$500,000.00, toward the budget for this project.

Contact person (if different from above): CRIS MARTIN

Telephone Number and Email: [REDACTED]

Will you be providing supporting documentation? Yes No

If yes, what are you providing?

Handout(s)

PowerPoint Presentation

Note: Any presentations requiring a computer and projector/screen must be provided prior to your appearance date. The District cannot accommodate personal laptops.

The personal information you provide on this form is collected under s. 26(c) of the FOIPPA and will be used for the purpose of processing your application to appear as a delegation before the District of Ucluelet Council. The application will form part of the meeting's agenda and will be published on the website. Your personal telephone number and e-mail address will not be released except in accordance with the Freedom of Information and Protection of Privacy Act. Questions about the collection of your personal information may be referred to the Manager of Corporate Services 200 Main Street, PO Box 999, Ucluelet BC, V0R 3A0



DISTRICT OF UCLUELET

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Please arrive 10 minutes early and be prepared for the Council meeting. The Mayor (or Acting Mayor) is the chairperson and all comments are to be directed to the chairperson. It is important to address the chairperson as Your Worship or Mayor Noël.

The District Office will advise you of which Council meeting you will be scheduled for if you cannot be accommodated on your requested date. For more information contact the District Office at 250-726-7744 or email info@ucluelet.ca.

Requested Council Meeting Date: March 28 2023

Organization Name: Broombusters Invasive Plant Society

Name of person(s) to make presentation: Joanne Sales, Executive Director Broombusters

Topic: Scotch Broom's Harm to the Ecosystem and What We Can Do

Purpose of Presentation:

Information only

Requesting a letter of support

Other (provide details below)

Please describe:

We hope Ucluelet councillors will support Qualicum Beach's Resolution re Scotch broom at AVICC. Scotch broom is doing major ecological damage, and a fire hazard. A study classifies broom as THE invasive species doing the most harm to biodiversity. Ucluelet has supported Broom cuts in the past, and Broombusters would like to help those be even more successful.

Contact person (if different from above): _____

Telephone Number and Email: _____

Will you be providing supporting documentation? Yes No

If yes, what are you providing?

Handout(s)

PowerPoint Presentation

Note: Any presentations requiring a computer and projector/screen must be provided prior to your appearance date. The District cannot accommodate personal laptops.

The personal information you provide on this form is collected under s. 26(c) of the FOIPPA and will be used for the purpose of processing your application to appear as a delegation before the District of Ucluelet Council. The application will form part of the meeting's agenda and will be published on the website. Your personal telephone number and e-mail address will not be released except in accordance with the Freedom of Information and Protection of Privacy Act. Questions about the collection of your personal information may be referred to the Manager of Corporate Services 200 Main Street, PO Box 999, Ucluelet BC, V0R 3A0 or by telephone at 250-726-7744.

RESOLUTION from the Town of Qualicum Beach for AVICC 2023 Control of Scotch Broom (*Cytisus Scoparius*)

WHEREAS Climate Change brings us longer periods of drought and hotter temperatures in which Scotch broom, a highly flammable invasive species with high oil content and dry branches, will thrive and act as a volatile flash fuel, increasing the risk of wildfires and specifically Urban Interface Fires; and

WHEREAS Scotch broom spreads densely and rapidly, inhibiting forests regrowth, and negatively impacting agricultural production and native species, with a 2021 study for the Invasive Species Council of BC (ISCBC) designating Scotch broom as the Top Worse Offender - the invasive species doing the greatest harm to species at risk in BC;

THEREFORE, BE IT RESOLVED, that AVICC and UBCM work with the Province to establish and implement actionable steps to control the aggressive spread of Scotch broom all across BC, including implementing broom-free fire breaks along long stretches of broom; and

FURTHER BE IT RESOLVED, that local governments are encouraged to use bylaws and policies to control and manage Scotch broom near and within urban boundaries.

BACKGROUND

Scotch broom was first brought to Vancouver Island in 1850 and has been spreading intentionally and unintentionally since then. To say that Scotch broom is now “naturalized” implies that it has found a niche in the ecosystem. But Scotch broom is an aggressive colonizer that can and will spread into *any* open area, as it did on whole mountain sides in New Zealand. Scotch broom has just gotten started! We could still get it under control (not eliminated), but time is running out. With invasive plants, *every year lost is land lost*.

AVICC passed a resolution in 2017 regarding Scotch broom.

2017 Town of Qualicum Beach MOTION, was ENDORSED and PASSED

*WHEREAS invasive Scotch broom has spread from an initial infestation in Sooke to become ubiquitous across Vancouver Island, creating a significant fire hazard and choking out native species;
AND WHEREAS cooperative effort by local government and a local volunteer community group— Broombusters Invasive Plant Society—in the Qualicum Beach area has shown that concerted action can prove effective against invasive Scotch broom; AND WHEREAS increased resources are needed to expand this project Island-wide:
THEREFORE be it resolved that the AVICC call on the Province to work with Vancouver Island local governments and community groups to effectively clear Scotch broom from highways, rail lines and power line rights-of-way over the next three years.*

Unfortunately, little action has been taken. There is justified hesitation for passing BC-wide legislation regarding Scotch broom because the plant is already so widespread and out of control. But ignoring the severity of this problem is clearly negligent of our responsibility to the land, current residents, and future generations.

What's the Problem? Scotch broom:

Colonizes aggressively, matures quickly
 Grows densely, crowding out native species
 Threatens biodiversity
 Highly Flammable – a volatile flash fuel
 Negatively impacts forestry, agriculture, and tourist industries
 Limits and prevents forest regrowth
 Toxic to grazing animals, wild and domestic
 Changes soil chemistry making it less suitable to native species
 Takes over environmentally sensitive and favourite community wild spaces
 Impacts medicinal plants on First Nation land

• Scotch broom increases FIRE DANGER

Climate change is bringing longer, hotter, drier summers and drought to BC, increasing fire danger. Mature Scotch broom is extremely flammable, with high oil content and naturally occurring dry branches, and it increases the likelihood of wildfires and Urban Interface Fires.

"Fire Smart initiatives are an important part for any community's survivability. The presence of Scotch broom will increase a wildfire's fuel potential and escalate its intensity. Test burns of this invasive noxious weed have proven to be highly flammable in large concentrations making a wildfire more volatile and difficult to extinguish."

Terry Peters, Fire Chief & Emergency Services Powell River

Broom under TRANSMISSION LINES: Dense, mature broom currently grows extensively under transmission lines creating long interconnected corridors of a highly flammable fuel.

• Scotch broom and BIODIVERSITY

Among all invasive species in BC, this aggressive colonizer is the biggest threat to biodiversity. A 2021 assessment study for Invasive Species Council of BC¹ designated Scotch broom as the "Top Offender", the invasive species doing the greatest harm to species at risk in BC.

• Scotch broom negatively affects AGRICULTURE - Land, Livestock, and Food Security

Scotch broom is called "the Scourge of Pastureland." It makes agricultural land unmanageable as seeds survive for 30+ years and sprout whenever soil is turned or disturbed. Scotch broom is toxic to cattle and all grazing animals (wild and domestic) and crowds out native plants and grasses upon which these animals depend for food. In addition, Scotch broom releases toxins into the soil and changes soil chemistry, making the soil less suitable for native plants.

• Scotch broom negatively impacts FORESTRY through Lost Timber Sales

Scotch broom inhibits and prevents forest regrowth. This is verified by statistics from Oregon and Washington: in 2014, Oregon reported \$47 million in lost timber sales because of Scotch broom² and in 2017, western Washington reported that widespread Scotch broom has the potential to cause \$142.7 million in lost timber sales.³

- **SCOTCH broom invades PRIVATE LAND.**

It has become too common for private land to be purchased for resale or development, then cleared of forest and ignored as Scotch broom takes over. This is happening all over. Local governments have the ability to stop this practice.

- **PEOPLE CARE about the spread of Scotch broom and they want to see action.**

There are many dedicated environmental groups cutting broom. Broombusters alone has between 600-700 volunteers cutting broom 6-7000 hours each spring.

Many AVICC municipalities actively support Broombuster volunteers: Qualicum Beach, Parksville, Nanaimo, Lantzville, Cumberland, Comox, Courtenay, Campbell River, North Cowichan, Ladysmith, Powell River, Sooke and Coquitlam. There were also volunteers working in the RDN, ACRD, CVRD, Ucluelet, Gabriola Island, Lake Cowichan, District of Highlands, Youbou and others. MOTI has supported Broombusters since 2003. **But this problem is bigger than volunteers. Much bigger.**

A Few Suggestions of What a Local Government Can Do:

This Resolution was deliberated non-specific, as situations vary dramatically across the Islands and BC Mainland. Solving this problem will require creativity, cooperation, commitment, and communication among all parties.

- Many municipalities have passed **bylaws about broom**, and when enforced, are highly effective. Bylaws will be necessary in regional districts.
- Eliminate Scotch broom from gravel pits. Make it EASY for residents to dispose of broom cut from private and public land. Engage city workers. Hire small teams to cut broom in the spring. Support volunteers so that their efforts are successful. Require that any Scotch broom infestation that is spreading seeds be kept broom-bloom free.
- *Early Detection-Rapid Response* (EDRR) practice is highly effective strategy targeting new invasive species. It does not apply to Scotch broom as it has spread extensively. But broom isn't everywhere. Broadly across the islands and within local area, *declare broom free zones and keep them clear*. Broom could be stopped from spreading extensively into the mainland now, but soon it will be too late.

THE GOOD NEWS

Qualicum Beach had huge broom lining its roads in 2006. The town is now mostly free of broom, except under the transmission lines. With recognized exceptions, when Scotch broom is cut at ground level or below before the drought of summer, the plant will die. "Cut Broom in Bloom" works. Where volunteers are at work, Scotch broom is disappearing. Everywhere else, it is spreading – like wildfire.

Scotch broom can be controlled but action must be taken now.

References:

- 1 <https://bcinvasives.ca/wp-content/uploads/2021/11/A-Systematic-Assessment-of-Invasive-Species-Impacts-to-Species-at-Risk-in-BC-2021.pdf>
- 2 <https://www.oregon.gov/oda/shared/Documents/Publications/Weeds/ScotchbroomProfile.pdf>
- 3 <https://kingcountyweeds.com/2017/03/23/learn-the-latest-on-scotch-broom-at-symposium-in-snoqualmie-on-may-23/>



REPORT TO COUNCIL

Council Meeting: March 28, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM:	NICOLE MORIN, MUNICIPAL INSPECTOR	FILE No: 4020-20 BUILDING FOLIO 62.060
SUBJECT:	SECTION 57 NOTICE – 238 MATTERSON DRIVE	REPORT No: 23-43
ATTACHMENT(S):	APPENDIX A - BUSINESS LICENSE SUSPENSION APPENDIX B - SAFETY INSPECTION PHOTOS – MARCH 7, 2023 APPENDIX C – LETTER TO PROPERTY OWNER – MARCH 8, 2023	

RECOMMENDATION:

THAT, pursuant to Section 57 of the *Community Charter* (Bill 14-2003), Council authorize that a Notice be registered with the Land Title Survey Authority against the land at 238 Matterson Drive, Ucluelet, BC with a legal description of LOTS 10 & 11, SECTION 21, CLAYOQUOT DISTRICT, PLAN 11923, for failure to comply with *Building Bylaw No. 1165, 2014, Zoning Bylaw 1160, 2013*, and the *British Columbia Building Code*, which contraventions relate to the construction or safety of buildings on the property.

BACKGROUND:

A. Section 57 Notice on Title

The purpose of registering a Bylaw Contravention Notice under [Section 57 of the Community Charter](#) on the title of a property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future purchasers and to protect taxpayers against potential claims regarding the regulations contravened. Section 57 of the *Community Charter* states that:

(1) *A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector*

(a) observes a condition, with respect to land or a building or other structure, that the inspector considers

(i) results from the contravention of, or is in contravention of,

(A) a municipal bylaw,

(B) a Provincial building regulation, or

(C) any other enactment that relates to the construction or safety of buildings or other structures, and

(ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime,

(b) discovers that

(i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and

(ii) the permit was not obtained or the inspection not satisfactorily completed.

If a municipality is considering filing a Section 57 Notice it is required to notify the affected property owner(s) and provide the owner(s) with an opportunity to address the Council before the Council considers the staff's recommendation to file the Section 57 Notice. In this instance, the property owner was notified by email and registered mail of the March 28, 2023, hearing before Council and was provided a copy of this report and attachments.

B. Background on 238 Matterson Drive:

- House at 238 Matterson Drive was built prior to 1991 on two lots (Lot 10 & 11).
- Building permit for a carport addition to the house in July 1991 is the first building permit on record for the property.
- Business license permitting two B&B rooms first issued in June 2005 to Laura and Cameron McPherson.
- Property sold and business license permitting two B&B rooms transferred in May 2020 to Giordano Holdings Ltd., Inc.
- Review of utility billing in 2023 led Staff to flag the property for follow up by Bylaw Officer.
- Online B&B advertising indicates a 900 square foot water view unit having three bedrooms, fully equipped kitchen/dining area and a separate and private two-bedroom suite with an additional sofa bed. Online reviews further indicate presence of “tiny homes in the backyard”. Photos of the private two-bedroom suite appear to indicate the presence of a full kitchen located within the two-bedroom suite as well.
- Business license suspended on March 2, 2023. (See **Appendix A**)
- Staff attended the property at 238 Matterson on March 7, 2023 to do a safety inspection and observed evidence (See **Appendix B** – Site Photos from March 7, 2023) of the following unpermitted and unsafe conditions:
 - Tiny home on a trailer, plumbing without permit, unauthorized dwelling.
 - Accessory building (shed) converted without permits and being used an uncertified dwelling.
 - Wooden building located in the front yard with a woodstove. No record of permits for building or woodstove.

- Unpermitted woodstove located exterior to the garage, under a roof, requiring immediate removal as it was deemed an immediate hazard.
- Do Not Occupy Notices posted on March 7, 2023 on tiny home on wheels being used as a dwelling, accessory building located in rear yard being used as a dwelling, and accessory building in front yard containing unpermitted wood stove.
- Registered letter sent to property owners, Michael and Chelsea Giordano, dated March 8, 2023. (See **Appendix C**)
- Mr. Giordano indicated by email on March 13, 2023 that the owner has ceased using property for tourist accommodation, and that they intend to sell the property “immediately”.

ANALYSIS OF OPTIONS:

The Municipal Inspector and Director of Community Planning are recommending that a Section 57 Notice be placed on the title of the property at 238 Matterson Drive due to violations of District of Ucluelet bylaws. Information provided in this report and attached appendices provides supporting evidence justifying the registration of the Notice. These documents have been provided to the property owners of 238 Matterson Drive to allow the owners an opportunity to respond.

The owners are encouraged to correct any land use, safety and code deficiencies by applying for the necessary permits. The Notice of Title would help ensure that any prospective purchasers are made aware of the bylaw contraventions that have not been rectified by the current owners. Given that the owner has expressed their intent to sell the property, Staff is recommending that the Notice on Title be registered without delay.

A	File Notice on Title	<u>Pros</u>	<ul style="list-style-type: none"> ● Prospective buyers are made aware of bylaw contraventions. ● May motivate the current owner to address bylaw contraventions and accelerate removal of health and safety issues.
		<u>Cons</u>	<ul style="list-style-type: none"> ● None expected.
		<u>Implications</u>	<ul style="list-style-type: none"> ● Staff time is required to file the Notice on Title.
B	Take No Action	<u>Pros</u>	<ul style="list-style-type: none"> ● None expected.
		<u>Cons</u>	<ul style="list-style-type: none"> ● Owner may sell properties without buyer being made aware of current bylaw contraventions on property. ● Higher likelihood that health and safety issues will remain unaddressed.
		<u>Implications</u>	<ul style="list-style-type: none"> ● May raise likelihood that a future owner would claim that the municipality did not take adequate steps to resolve known bylaw issues. ● May complicate future efforts to bring the property into compliance.
		<u>Suggested Motion</u>	No motion required.

POLICY OR LEGISLATIVE IMPACTS:

The District does not currently have a fee designated in the Fees & Charges Bylaw for removing a Section 57 Notice on Title once the bylaw contravening conditions have been rectified. A fee to recover costs associated with the Notice is typical in many municipalities and could be considered with future updates and amendments to the Fees & Charges Bylaw.

NEXT STEPS:

- Should Council approve the suggested motion, Staff will register a Section 57 Bylaw Contravention Notice on the titles of the property (LOTS 10 & 11, SECTION 21, CLAYOQUOT DISTRICT, PLAN 11923)
- Staff will work with the current or future property owners to ensure that all buildings meet the minimum standards for health and safety in the *British Columbia Building Code* and to bring the property into compliance with District bylaws.

Respectfully submitted: **Nicole Morin, Municipal Inspector**
 Bruce Greig, Director of Community Planning
 Duane Lawrence, CAO

Brittney Willms

From: Brittney Willms
Sent: March 2, 2023 8:48 AM
To: [REDACTED]; Mike Giordano Your Friend In Real Estate
Cc: Rick Geddes; Ucluelet Building Inspector; Bruce Greig; Duane Lawrence
Subject: 238 Matterson Drive - BL Suspension and Onsite Inspection

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Chelsea and Mike,

As of immediately your business licence for “**Way West Lodge**” located at 238 Matterson Drive has been **suspended** due to operating out of compliance with the District of Ucluelet Business Regulation and Licencing Bylaws. This means you must cease all advertising and **operating, regardless of honouring any upcoming bookings, they must be cancelled.** Other bylaw infractions have been noted on your property and flagged for further investigation. An onsite inspection will be conducted **March 7th at 10:00 am** with the fire chief and building inspector in attendance to address any life/safety concerns. Please advise any individuals on your property who this may affect so they are aware we will be present for the purpose of investigating. Having yourself or a representative present to allow access into your main residence will help establish how the property is currently being used so we can provide you with clear direction and a pathway to compliance moving forward in a timely manner.

Grounds to enter a property are through **Section 16 of the Community Charter**.

Authority to enter on or into property.

- 16** (1)This section applies in relation to an authority under this or another Act for a municipality to enter on property.
- (2)The authority may be exercised by officers or employees of the municipality or by other persons authorized by the council.
- (3)Subject to this section, the authority includes authority to enter on property, and to enter into property, without the consent of the owner or occupier.
- (4)Except in the case of an emergency, a person
- (a)may only exercise the authority at reasonable times and in a reasonable manner, and
 - (b)must take reasonable steps to advise the owner or occupier before entering the property.

For you licence to be reinstated you must present your case to council for approval.

LICENSE SUSPENSIONS/REVOCATIONS AND APPEALS:

1. Any person whose license has been suspended or revoked by the License Inspector and who proposes to appeal such suspension to Council shall within ten (10) days from the date of suspension/revocation, give to the Municipal Clerk notice of his intention to appeal the said suspension.
2. The notice of intention to appeal shall state in concise fashion the grounds upon which the appeal is based.
3. The Municipal Clerk shall thereupon refer the matter to Council in order to appoint a time and place for the hearing of the appeal.

Failure to comply may result in daily fines and/or other enforcement actions. Not allowing a bylaw officer on your property for purpose of investigation is considered obstruction and carries additional fines.

Should you have any questions or need clarification, please don't hesitate to ask.

Sincerely,

Brittney Willms



Brittney Willms
Bylaw Officer/Business Licence Inspector

Box 999, 200 Main Street
Ucluelet, B.C., V0R 3A0
250-726-7744

From: Mike Giordano Your Friend In Real Estate [REDACTED]
Sent: February 28, 2023 4:35 PM
To: Brittney Willms <bwillms@ucluelet.ca>
Cc: [REDACTED]; Ucluelet Building Inspector <building@ucluelet.ca>; Rick Geddes <rgeddes@ucluelet.ca>
Subject: Re: 238 Matterson Drive Inspection

[External]

Hi all

Thank you very much for your email. We were notified by Brittany that our business licence was suspended, and instructed to remove the short term accommodations off airbnb. This has happened, so essentially no business is being conducted on the property at this point

We need to make some decisions as a family as to what we're going to do moving forward.

At this point our home is not being advertised for short-term rentals therefore we do not want anyone in the home, period. I see no need until we make a decision if we are going to move back into the vacation rental space. I know what is required to get into compliance. I will first do these things if we decide to move forward with short term rentals and then have you through to inspect. There is no question that we conform to both our existing licence and the requirements to get a new one. At That point if you are satisfied we will ask for our licence to be reinstated and move forward. in compliant comliacne

As you are aware there are two accommodations on the property, a tiny home trailer and a caretaker accommodation where we have had full-time residents of Ucluelet occupying these spaces since we took ownership of the home 3 years ago. To be clear, we have never once rented these on a short term basis.

If the District of Ucluelet would like us to evict these tenants just let me know in writing and I'll give them the boot. Super sad scenario for these awesome kids we rent to. Up to you.

Let us know.

m.

----- Forwarded message -----

From: **Brittney Willms** <bwillms@ucluelet.ca>

Date: Tue, Feb 28, 2023 at 1:22 PM

Subject: 238 Matterson Drive Inspection

To: [REDACTED]

Cc: Ucluelet Building Inspector <building@ucluelet.ca>, Rick Geddes <rgeddes@ucluelet.ca>

Good afternoon Michael,

The fire chief, building inspector and myself can attend your property on **Tuesday March 7th @ 10:00** to perform a life/safety/compliance inspection. Please have yourself or someone available on your behalf to allow us access to your property.

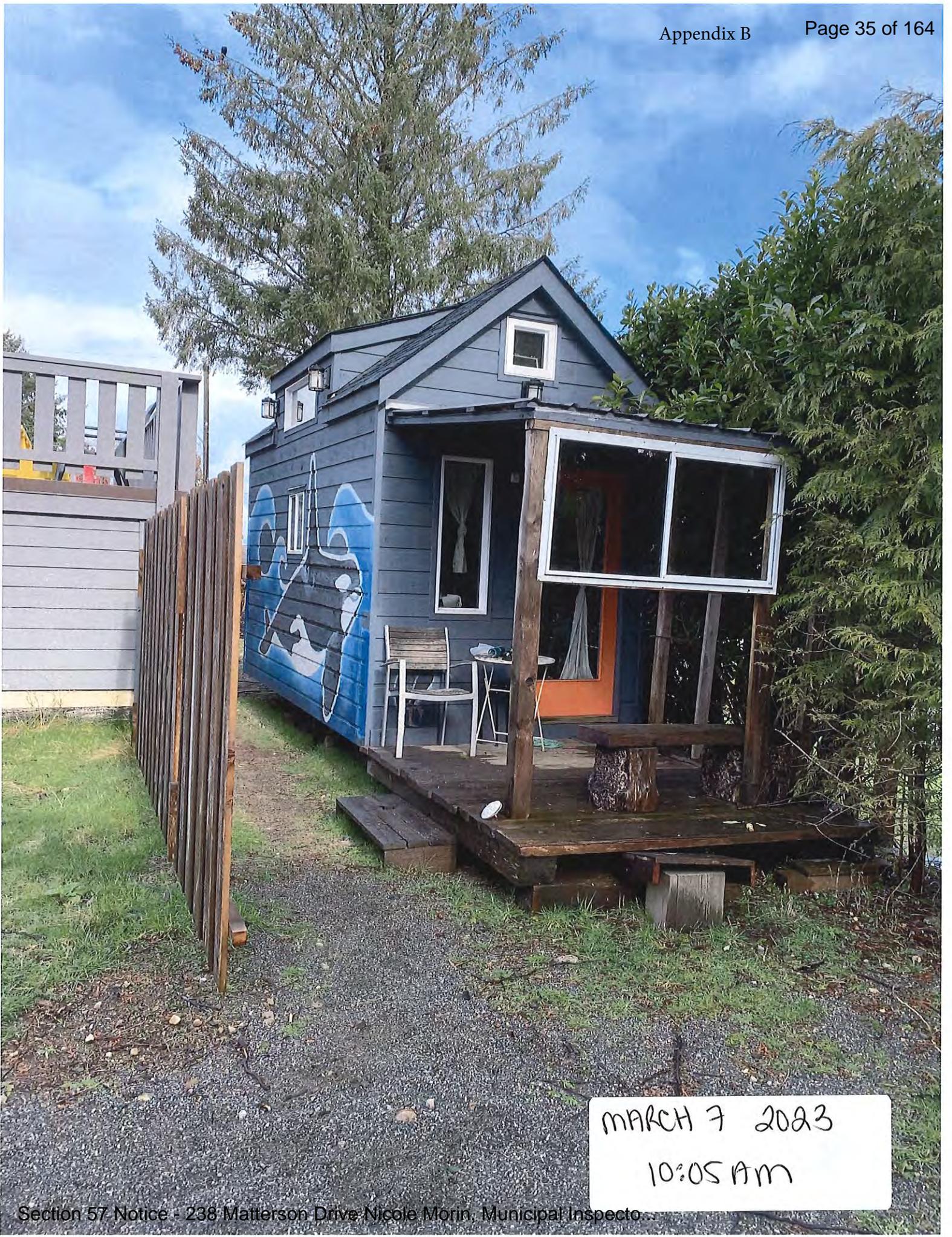
If you have any further questions, please don't hesitate to ask.

Kind regards,

Brittney Willms



Brittney Willms
Bylaw Officer/Business Licence Inspector
Box 999, 200 Main Street
Ucluelet, B.C., VOR 3A0
250-726-7744



MARCH 7 2023
10:05 AM



MARCH 7 2023
10:05 AM

MARCH 7 2023
@ 10:06 AM





MARCH 7 2023
@ 10:00 AM



MARCH 7 2023
@ 10:10 AM



MARCH 7 2023
@ 10:10 AM



WEDNESDAY, MARCH 8, 2023

FOLIO FILE: 062.060

To: Giordano Holdings LTD
 Michael and Chelsea Giordano
 238 Matterson Dr, Ucluelet, BC, V0R 3A0

Re: Do Not Occupy at 238 Matterson Dr, Lot 11, Plan VIP 11923, Section 21, Clayoquot Land District

The above property, registered on title to Giordano Holdings Ltd was attended on March.7, 2023 by the District's Fire Chief, Building Official and Bylaw Officer to investigate the current uses on the property.

During the inspection, building, plumbing, land use and bylaw infractions were witnessed. As a result, three (3) Do Not Occupy Notices have been posted on three (3) structures and an unpermitted woodstove, as noted below requires removal.

1. Tiny home on a trailer, plumbing without a permit, unauthorized dwelling.
2. Shed converted without a building and plumbing permit and currently being used as an uncertified dwelling.
3. Wooden building located in the front yard with a woodstove. No record of a building permit or the woodstove permit.
4. Unpermitted woodstove exterior to the garage, under covered roof. **This requires immediate removal**, is deemed hazardous due to building code infractions.

According to our records the structures listed above have not been permitted and approved to meet building code and plumbing code requirements. Until they meet all the Districts bylaws and health and safety standards they are not permitted for use. The tiny home and shed currently used as dwellings must be vacated.

In accordance with the Ucluelet Building Bylaw No.1165, 2014 Section 22.9, it states that:

The owner of the property and every person, shall **cease occupancy of the building or structure on which a Do Not Occupy notice has been posted** and shall refrain from further **occupancy** until all applicable provisions of the Building Code and this bylaw is substantially complied with and the Do Not Occupy notice is rescinded in writing by a Bylaw Enforcement Officer.

There are a number of potential issues relating to compliance with the zoning requirements of this property. 238 Matterson Drive is located in an R-1 zone, Single Family Residential. The principal permitted use in this zone is a Single-Family Dwelling, with secondary accessory uses including Bed and Breakfast and Accessory Residential Dwelling Unit. Your uses on site must comply with all regulations of the R-1 zone.

In addition, your uses must comply with all General and Supplemental Regulations of the Ucluelet Zoning Bylaw No. 1160, 2013.

- All accessory buildings must comply with Section 401 of the Zoning Bylaw which stipulates that *No accessory building or accessory structure may contain a dwelling unit or be used for the purposes of habitation*. Accessory buildings may be required to have a building permit, depending on size and use.
- Accessory Residential Dwelling Unit is a permitted secondary use, accessory to the Single-Family Dwelling use. ADU uses must comply with Section 408 of the Zoning Bylaw, which limit the number of ADUS (one), the size, height, distance from lot lines and main dwelling, setbacks, and other requirements. ADUs must comply with the BC building code and must be established under building permit.
- Bed and Breakfast uses must be compliant with Section 404 of the Zoning Bylaw, including limited floor area, bedrooms, occupancy, cooking facilities, resident requirements, etc.

Failure to meet the above conditions may result in fines and/or other enforcement actions. It is an offence to remove the Do Not Occupy place card.

Should you have any questions, please contact the Bylaw Service Officer at the District of Ucluelet office at (250) 726-7744, or by email bylaw@ucluelet.ca

Sincerely,
Brittney Willms, Bylaw Services Officer

Cc: Duane Lawrence, Chief Administrative Officer
Bruce Greig, Director of Community Planning
Nicole Morin, Municipal Inspector
Rick Geddes, Fire Chief



REPORT TO COUNCIL

Council Meeting: March 28th, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE No:** 3090-20 DVP23-03

SUBJECT: DVP FOR SUBDIVISION SERVICING – **REPORT No:** 23-41
LOT 16 MARINE DRIVE / 449 MATTERSON DRIVE

ATTACHMENT(s): APPENDIX A - APPLICATION WITH PRELIMINARY SERVICING DRAWINGS
 APPENDIX B - DRAFT DEVELOPMENT VARIANCE PERMIT 23-03
 APPENDIX C - KOERS ENGINEERING REVIEW OF PRELIMINARY SERVICING PLANS MARCH 20, 2023
 APPENDIX D - LAND USE CONCEPT PLAN PRESENTED AT REZONING
 APPENDIX E - S.219 COVENANT CA9460685
 APPENDIX F - EXCERPTS FROM *SUBDIVISION CONTROL BYLAW No. 521, 1989*.

RECOMMENDATION(S):

1. **THAT** Council authorize the Director of Community Planning to execute and issue Development Variance Permit DVP23-03 for the road dedication and servicing of the proposed subdivision on the property at Lot 16 District Lot 281 Clayoquot District Plan VIP76214 Except part in plans VIP80735, VIP83067 and VIP86140 ("**Lot 16**"), subject to meeting the conditions listed in the permit prior to final subdivision approval; and,
2. **THAT** Council indicate acceptance that the proposed 5,381m² park land dedication shown on the proposed "Lot Layout Concept drawing by Williamson and Associates Professional Surveyors - revision 1" dated June 29, 2022, for the proposed subdivision of Lot 16 as fulfilling the developer's requirements under section 510 of the *Local Government Act* and as proposed by the developer and agreed under covenant CA9460685.

BACKGROUND:

Lot 16 was rezoned in November of 2021. As part of the rezoning, a restrictive covenant was registered on the title of Lot 16 to ensure that the subdivision and development of the land would unfold as proposed (for reference see **Appendix "E"**).

From the outset of the rezoning process for Lot 16, the proposal was to create a new neighbourhood of compact residential lots and multifamily parcels along new internal roads between Marine Drive and Victoria Road. The internal road dedication (or "highway": the legal term for the public strip of land between private lot lines within which the road surface, boulevards, sidewalks and services are typically located) has from the outset been proposed to be narrower than the 15 to 20m standard width. The rezoning established the use and density for

the new neighbourhood, based on an overall concept plan – with detailed design to follow (see **Appendix “D”**). The detailed design stage was represented as the time to resolve the details of on-street parking, drainage, boulevard landscaping, etc.

The owner subsequently applied for a Development Permit for the apartment building on proposed Lot 1. Council authorized DP22-18 at its February 9, 2023, regular meeting.

The owners have also now applied for preliminary review of the subdivision, and for a Development Variance Permit (DVP) to modify the subdivision servicing standards for the new internal roads and services - as was expected during the rezoning process. The application materials are found in **Appendix “A”** including detailed preliminary engineering drawings for the roads and services. A traffic assessment is included, concluding that the development would result in 81 trips at the peak hour, split between Marine, Matterson and Victoria – and that the new intersections at Marine Drive and Victoria Road would be safe if stop-controlled on the development side. An environmental report is also included assessing the downstream impact of stormwater runoff. Some additional work will be necessary on the detailed stormwater design to confirm no negative environmental impacts result from the new development.

A decision on the DVP is a precursor to completion of the initial review of the subdivision and issuance of a Preliminary Layout Assessment (PLA) by the Approving Officer.

DISCUSSION:

Subdivision servicing:

This is the opportunity for Council to confirm that conditions A through N in DVP23-03 - as listed in Appendix “B” - meet the community expectation for the character and function of the new roads and infrastructure in the Lot 16 development. The proposed subdivision layout and servicing has been reviewed by Koers and Associates Engineering on behalf of the District (see **Appendix “C”**), and by municipal staff.

Subdivision servicing standards are established in *Village of Ucluelet Subdivision Control Bylaw No. 521, 1989*. The bylaw is admittedly out of date and due for replacement. Bylaw No. 521 includes fairly standard urban and suburban engineering details for the time. Development in Ucluelet over the last twenty years has incorporated greener and less urban features; vegetated bioswales and French drains rather than curb, gutter and piped stormwater collection are features that many residents would recognize from Marine Drive, Rainforest Drive and other recent subdivisions – none of which were developed following the “standards” found in Bylaw No. 521. A detached asphalt pathway rather than an attached concrete sidewalk lends a less urban character to these recent residential neighbourhoods; fitting with the character of the town. Detached pathways are shown in the preliminary plans submitted in Appendix A. Staff note the road shoulders, ditches and French drains are not shown to be vegetated at this time; rather the details on Newcastle drawing 04 in Appendix A show gravel roadside ditches, shoulders and drains throughout.

Section 5 of the Koers memo found in **Appendix “C”** compares the variety of right-of-way and paved road width on half a dozen recent subdivisions, for comparison.

The proposed road design would include 11 on-street public parking spaces. All homes developed on the individual lots would be required to provide on-site parking according to the requirements of the zoning bylaw.

Staff consider that varying the standards is fully supportable, on the condition that the developer ensure that the details of the civil works within the subdivision protect the environment and create the function and character to serve the community over the long term. Adequate space needs to be set aside for stormwater management, installation and maintenance of public services and private utilities. The Land Use Concept plan presented to Council and the community during the rezoning shows green boulevards and street trees throughout; adequate space needs to be provided for those features. Narrower roads go hand in hand with providing a connected network of pedestrian and bicycle infrastructure to create safe and healthy neighbourhoods that are less reliant on automobile trips.

The draft DVP found in **Appendix “B”** includes a number of conditions for the developer’s design and engineering team to address during the subdivision process. If these conditions are met, the varied subdivision servicing “standards” would provide a balance of appropriate servicing within the new public road rights-of-way.

Park Land:

Areas of proposed park land dedication are shown on the proposed lot layout in **Appendix “A”**, consistent with what was shown and offered by the developer during the rezoning process. A resolution of Council accepting the proposed amount and location of park land is a necessary part of the subdivision process.

Note that the cost of trails or fencing installed by the developer within the park areas can be credited against the amount of park land DCC’s payable for the development. New play equipment would be another matter and was discussed but was not a condition of approval of the rezoning. If play equipment were desired in this location it would need to be budgeted separately by the District, either now or in the future. Note that the developer offered a cash amenity contribution of \$1,000 per lot or multi-family unit, which could be used for any priority determined by Council. If in the future parks infrastructure upgrades are considered for this funding, staff recommend that the wider context and all community priorities be considered beyond this location (e.g. facilities surrounding the UCC, Big Beach, etc.).

ANALYSIS OF OPTIONS:

The DVP for subdivision servicing would allow the subdivision review to proceed for Lot 16. The recommended conditions in the draft DVP would result in leaner, greener infrastructure consistent with the goals and policies of the Ucluelet OCP. **This is the opportunity for Council to confirm that conditions A through N in DVP23-03 - as listed in Appendix “B” - meet the community expectation for the character and function of the new roads and infrastructure in the Lot 16 development.**

A	Authorize the issuance of Development Variance Permit 23-03, subject to conditions.	<u>Pros</u>	<ul style="list-style-type: none"> Applicant could proceed with advancing the Lot 16 subdivision and housing development.
		<u>Cons</u>	<ul style="list-style-type: none"> Unknown
		<u>Implications</u>	<ul style="list-style-type: none"> The Approving Officer could proceed with the subdivision preliminary layout assessment, with clarity on the District requirements for servicing and park land dedication.
B	Advise of additional or amended conditions in the Development Variance Permit.	<u>Pros</u>	<ul style="list-style-type: none"> Ensures the design meets Councils and community objectives.
		<u>Cons</u>	<ul style="list-style-type: none"> Undetermined at this time.
		<u>Implications</u>	<ul style="list-style-type: none"> May result in additional staff time to work with the developer and the Municipal Engineers on assessing the implications of such conditions, and follow up reports to Council.
		<u>Suggested Motion</u>	THAT Council, with regard to Development Variance Permit 23-03, authorize issuance of the permit subject to [provide alternative/additional conditions here]
C	Reject the application to vary the subdivision servicing standards.	<u>Pros</u>	<ul style="list-style-type: none"> Unknown
		<u>Cons</u>	<ul style="list-style-type: none"> The housing development would be slowed or halted. Development would not proceed in a manner consistent with the goals and policies in the Official Community Plan.
		<u>Implications</u>	<ul style="list-style-type: none"> Changing the lot layout to provide wider areas of highway dedication would impact the size and number of proposed lots – which in turn could put the development in jeopardy of stalling. Staff time would be required to follow-up with the applicant to review and amend the proposal to meet Council requirements. Staff would require direction from Council on how to interpret or amend the Official Community Plan.
		<u>Suggested Motion</u>	THAT Council reject the application for Development Permit 23-03[noting specific direction that Council considers a re-designed project would need to meet].

POLICY OR LEGISLATIVE IMPACTS:

Granting the requested DVP, subject to the conditions recommended by staff, would be more consistent with the following policies adopted in the Official Community Plan bylaw than would strictly adhering to the *Village of Ucluelet Subdivision Control Bylaw No. 521, 1989*:

Policy 2.84 Incorporate low impact design principles and minimise paved cross-sections in an updated Subdivision and Development Servicing Standards bylaw.

Policy 2.85 When reviewing development applications consider low-impact street standards, which could include narrower travel lanes, parking bays/pull-outs, low design speeds (tighter radii, steeper curves and some sight line restrictions) and heavily landscaped boulevards.

NEXT STEPS:

If the DVP application is approved, all conditions of the permit will need to be met as the engineering design is refined and approved for construction, prior to final subdivision.

Respectfully submitted: **Bruce Greig, Director of Community Planning**
 Duane Lawrence, Chief Administrative Officer



WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS
3088 BARONS ROAD, NANAIMO B.C. V9T 4B5
PHONE: (250) 756-7723 email: waps@vibcls.ca

February 3, 2023

Our File No.: 21073

Your File: _____

District Of Ucluelet

200 Main Street
P.O. Box 999
Ucluelet B.C. V0R 3A0

Attention: John Towgood, Municipal Planner
Delivered by Email to jtowgood@ucluelet.ca

Hello John;

Re: Lot 16 on Marine Drive, Ucluelet
Preliminary Comments Response for Proposed Subdivision of:
Lot 16, District Lot 281, Clayoquot District, Plan VIP76214 except parts in Plan VIP80735, VIP83067
and VIP86140 (PID: 025-812-823)

Based on the comments that were provided by District of Ucluelet Planning staff on November 23, 2022, we have compiled additional information for your review. In support of your review of our application and for use in your report to council for variance consideration, we are submitting the following information:

1. PDF copy of your original notes dated November 23, 2022
2. PDF of Revised Engineering Plans for the proposed subdivision servicing
3. PDF of Revised Engineering Plans for the proposed Lot 1 Apartment development servicing
4. PDF of Traffic Study completed by Watt Consulting Group
5. PDF of Proposed Storm Discharge Review for Stream 28 completed by Toth and Associates Environmental Services

Storm Water Management

The proposed internal roads include open rock-lined ditches and french drains covered by gravel. This design will filter out sediment from road storm water runoff prior to it entering the Marine Drive ditch and Stream 28. There is no plan to incorporate rain gardens or bio-swales in the current design.

There is no proposed storm water retention prior to storm water entering the Marine Drive ditch and into Stream 28. Newcastle Engineering calculated to potential flow rates of discharge into Stream 28, and Toth and Associates reviewed these rates with respect to the environmental impacts to Stream 28. Previous engineering reports on storm water discharge have been prepared by Koer's Engineering (November 29, 2019 to Warren Cannon) stating that on-site retention is not necessary.

For the proposed townhouse site on Lot 2, the storm water flows discharging to Stream 26 are intended to be designed to meet pre-development flows. The details of how this on-site retention and discharge mitigation will be handled needs to be determined when the design for the townhouse development is underway. At this stage, we can provide no technical details on storm water retention for Proposed Lot 2. I recommend that a condition of the subdivision approval be that a covenant requiring storm water management for Lot 2 be registered against the title for Lot 2.

Storm water flow Area F in the engineering plans includes Lots 29, 30 and 31 and some of the proposed and existing road. During detailed design of the subdivision, Newcastle Engineering will ensure there is storm water retention for this area to meet pre-development flows so it is consistent with Lot 2. This could include rock pits for the 3 parcels and/or flow control manholes before the discharge into ditches on Victoria Road.

Sanitary Sewer Rights of Way

It was noted and discussed with planning staff that the sanitary main and SRW are within the rear yards of Lots 30 to 41. Moving the SRW into the Park behind the lots may not be acceptable to neighbouring land owners, but if this is an instruction from District staff, we can accommodate this change.

Access and Traffic Management

A traffic study has been prepared by Watt Consulting to analyse traffic at the proposed new intersections on Marine Drive, Matterson Drive, and Victoria Road. No additional road needs to be dedicated and no changes to the designed road intersections need to be made based on this study. Watt indicates that stop signs are required before entering these roads.

We have calculated the required number of parking stalls at 226 stalls. This is broken down as follows:

- Lot 1 (48 unit apartment site) = **82 Stalls** required by bylaw
- Lot 2 (28 unit townhouse site) = **48 stalls** required by bylaw
- Lots 3 to 8 (single family with suites) = **18 stalls** required (2 stalls per house plus 1 stall per suite)
- Lots 9 to 41 (small single family, no suites) = **68 stalls** required by bylaw (2 stalls per house)
- Subtotal = **216 stalls**
- Total number of visitor stalls (1 per 22 stalls) = **10 stalls**
- Total development parking stalls = 226 stalls**

We didn't see guidance from the District's Zoning Bylaw on visitor parking, so we used the City of Nanaimo bylaw rate of 1 stall per 22 stalls. Newcastle Engineering was able to design into the road layout 11 on-street parking stalls for this purpose. If the townhouse site incorporates 2 stalls per unit and visitor parking on-site, the number of total stalls will be further increased.

The road network through and around the site was revised to incorporate the parking stalls on the roads. Also, sidewalks were revised in multiple locations. For pedestrian purposes, the sidewalk and crosswalk was revised to change the crossing at Lot 32 so the sidewalk is adjacent to the playground and Lots 20 to 23. This was to improve accessibility to the playground for pedestrians.

Also, a sidewalk was added from the Marine Drive and Road A intersection along the frontage of Lot 1 to the Marine Drive and Matterson Drive intersection, and then along the Lot 1 frontage on Matterson Drive. This sidewalk terminates at the proposed new apartment site entrance on Matterson Drive. The topography within Matterson Drive prevents us from putting a separated sidewalk any further along the frontage of Matterson Drive. There is no change to the proposal of having a crosswalk at the Marine Drive and Road A intersection as this is still beneficial to pedestrian traffic in this area. The added sidewalks around Lot 1 provides pedestrian access options around Lot 1 and across to the Community Center.

Underground Services (Telus and BC Hydro)

Newcastle Engineering is working with BC Hydro on preliminary designs for placement of the power and telecommunication facilities to service the subdivision. BC Hydro has not yet issued their plan but have provided some guidance to Newcastle to adjust the sidewalk to fit the above-ground facilities (Transformers). Where these transformers are located in the road right of way, the sidewalk will deviate around them. In the current Newcastle Plans, I see sidewalk deviations in front of Lots 32, 36, and 38. The exact locations of these facilities will be known once detailed engineering design is complete. All Telus facilities are underground and will not impede pedestrian use of the sidewalks.

Playground and Park

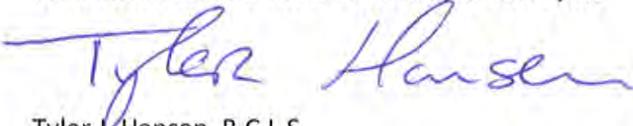
As a condition of the rezoning covenant, we are dedicating a 280 square metre park adjacent to Lot 20. This is also the high ground emergency muster location for the development. No change has been made to this park.

We trust you will find the information provided will be sufficient for you to complete your staff report and present the application to council in the near future.

Thank you for your attention to this matter, we look forward to your response in due course.

Yours truly,

Williamson & Associates Professional Surveyors



Tyler J. Hansen, B.C.L.S.

Enclosures

ec: 0985470 B.C. Ltd. – Cody Dreger

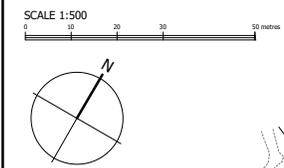
PROJECT: PROPOSED MIXED RESIDENTIAL SUBDIVISION CONCEPT
LOCATION: LOT 16, MARINE DRIVE, UCLUELET
CLIENT: 0985470 B.C. LTD.
DRAWING: PROPOSED LOT LAYOUT CONCEPT
SCALE: 1:500
DRAWN: T3H
FILE: 21073-1 SITE 18066 BASE PLAN
WILLIAMSON & ASSOCIATES PROFESSIONAL SURVEYORS
 3038 BARKS ROAD NANAIMO B.C. V1Y 4B5
 PHONE: (250) 756-7722 FACSIMILE: (250) 756-7724
 EMAIL: WAPS@WBCLS.CA

REVISION 1: JUNE 29, 2022

SITE STATISTICS
LEGAL DESCRIPTION: LOT 16, DISTRICT LOT 281, CLAYCOUT DISTRICT, PLAN V1P7214 EXCEPT PLANS V1P92735, V1P9367 AND V1P96140
PROPOSED ZONE: R-1, R-3 AND R-6
PROPOSED DEVELOPMENT:

- 48 UNIT APARTMENT SITE ON LOT 1
- 28 UNIT TOWNHOUSE SITE ON LOT 2
- 6 R-1 LOTS, AND
- 33 R-6 LOTS

AVERAGE LOT AREA FOR R-6 LOTS: 415 m²
LOT AREA: 5.19 HECTARES (12.7 ACRES)
PROPOSED PARK DESIGNATION: 0.28 HECTARES (0.7 ACRES) = 4.30% OF LOT AREA
AREAS AND DIMENSIONS ARE PRELIMINARY AND SUBJECT TO CHANGE.
BUILDING SETBACK LINES ARE BASED ON INTERPRETATION OF DISTRICT OF UCLUELET ZONING BYLAW AND BYLAW AMENDMENT NO. 1284. BUILDING ENVELOPE AREAS ARE IN SPHERICAL DIMENSIONS FOR CONTEXT ONLY.



MEMORANDUM

To: Tyler Hansen – Williamson & Associates
From: Caytlin Kopeck, B.Eng., EIT
Our File #: 3461.B01
Project: Lot 16 - Ucluelet
Date: January 26th, 2023
RE: Traffic Review

1.0 INTRODUCTION

Watt Consulting Group was retained by Williamson & Associates to conduct a traffic review for the accesses being created by a residential development at Lot 16 - Marine Drive, Ucluelet, BC. This memo will review proposed accesses to determine which operational control should be used at each access, the laning requirements for each access, and appropriate access widths. The study will also conduct a high-level review for any potential safety hazard regarding access placement. See **Figure 1** for an aerial of the subject site and study intersections.



Figure 1: Subject Site / Study Intersections

2.0 BACKGROUND

There are three site accesses for the subject site (see **Figure 1**) which intersect Marine Drive, Matterson Drive, and Victoria Road. The access on Matterson Drive will serve the 48-unit apartment (that exits onto the internal road from two parking lots), while the accesses on Victoria Road and Marine Drive will serve the entire development as the access road will have internal connections to all buildings within the site. There is no pedestrian or cyclist infrastructure along Victoria Road. Matterson Drive has a pedestrian pathway that is road-level and delineated by paint. Along Marine Drive there is a multi-use pathway.

The proposed development consists of a 48-unit apartment, a 28-unit townhouse complex, six single-family homes with suites, and 33 single-family homes without suites. Based on the 11th Edition ITE Trip Generation Manual this will generate a total of 81 trips (51 inbound, 30 outbound) in the PM peak hour. For the purpose of this memo, suites assumed the rate for “Low-Rise Multi-Family Homes”. This trip generation is considered to be conservative, as it is likely that some of these homes may become vacation homes or short-term rental homes which will not consistently be occupied, and therefore, is unlikely to generate the reported volume of trips.

The development trips were assigned to the network with the following distribution:

- 95% to / from the North (towards the Matterson Drive and Marine Drive north of Victoria Road)
 - Trips were split 50/50 between Matterson Drive and Marine Drive for inbound and outbound trips
- 5% to / from the West (towards Marine Drive west of Matterson Drive)
- Trips generated from the 48-unit apartment were assigned to the Matterson Drive access, while 66% of remaining trips were assigned to the Victoria Road access (due to close proximity to the town), and the remaining 33% was assigned to the Marine Drive access.

No existing traffic volumes were available for the study roads, however, a MoTI count station (P-13-7NS) reported two-way traffic volumes from the Tofino-Ucluelet Highway in August of 2022 to be approximately 650vph in the PM peak hour. The local roads are expected to serve less traffic than a highway and therefore, it is assumed that the two-way volumes for Marine Drive, Matterson Drive, and Victoria Road will be less than 650vph.

3.0 ACCESS ANALYSIS

Based on the development trip generation and assumption of less than 650vph along any of the subject roads, all intersections would operate at a LOS B or better with stop-control at the access approach. No separate turn lanes at the accesses will be required due to the low-volume of traffic at each access.

A minimum lane width of 2.7m for low-volume rural roads with a posted speed of 60km/h or less is acceptable per the 2018 TAC *Geometric Design Guidelines*. However, there are many cases where roadways that are 5.0m in total width are able to accommodate traffic safely. It is recommended that the lane width for each access is a minimum of 2.5m.

There are no perceived issues with sightlines based on Google Earth / Google Maps Streetview Imagery and the horizontal layout of the roads. When development occurs, it is recommended that trees / shrubbery adjacent to the accesses do not impede view of drivers turning out of the accesses.

The development will provide a sidewalk that extends from the Matterson Drive access to the Marine Drive Access, and a crosswalk at the south-west corner of the site which will connect the sidewalk to the pedestrian pathway on the west side of Matterson Drive. The pedestrian infrastructure proposed will not interfere with either of the accesses and will provide additional connectivity for pedestrians (see Figure 2, pink line).

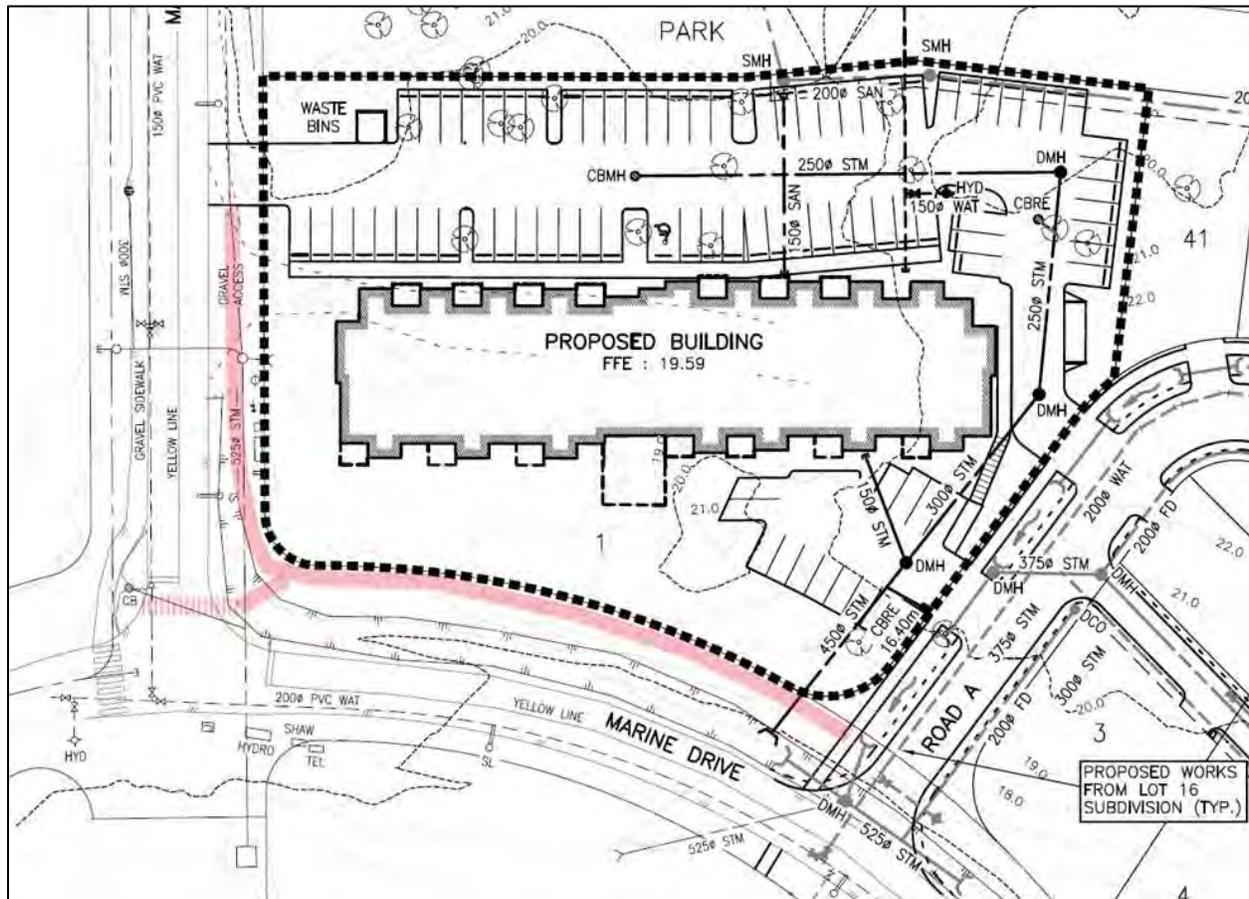


Figure 2: Sidewalk and Crosswalk Mark-up

4.0 RECOMMENDATIONS AND CONCLUSION

The site will generate 81 trips in the PM peak hour and upon opening day of the development, each access will operate at a LOS B with stop-control at the access approach, and no separate turn lanes. It is recommended that the accesses have a minimum lane width of 2.5m. There are no perceived safety issues with the placement of accesses, however, it is recommended that when developed

trees / shrubbery adjacent to the accesses are removed if they are blocking sightlines for vehicles turning out of the access.

Accesses onto Marine Drive, Matterson Drive, and Victoria Road should be stop-controlled on the development side. Marine Drive, Matterson Drive, and Victoria Road should remain free-flow.

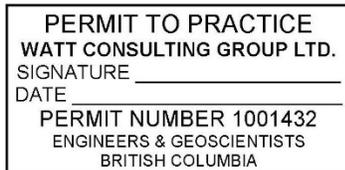
Sincerely,

Watt Consulting Group



Caytlin Kopeck, B.Eng., EIT
Transportation Engineer-in-Training

Andy Kading, P.Eng. P.E.
Senior Transportation Engineer





6821 Harwood Drive, Lantzville, B.C. V0R 2H0
Tel: (250) 390-7602
E-mail: stoth@shaw.ca

January 31, 2023

Tyler Hansen, BCLS

Williamson & Associates Professional Surveyors,
3088 Barons Road,
Nanaimo, BC V9T-4B5

Re: Review of proposed stormwater discharge from Lot 16, District Lot 281, Clayoquot District Plan VIP76214, (PID# 025-812-823), to “Stream 28”

1.0 INTRODUCTION

Toth and Associates Environmental Services previously conducted an environmental assessment of Lot 1, District Lot 281 located on the west side of Marine Drive in November 2020 to document environmental sensitivities on and adjacent to Lot 1. It is our understanding that the proposed development of Lot 16 located on the east side of Marine Drive across from Lot 1 includes plans to direct stormwater from Lot 16 to a short section of watercourse that we previously assessed located adjacent to the west side of Lot 1 which has been identified on Schedule E of the District of Ucluelet’s Official Community Plan 2020 as “Stream 28”. The District of Ucluelet’s Planning Department has requested an assessment by a biologist of the potential downstream impacts from the proposed stormwater discharge on the function of Stream 28.

2.0 BACKGROUND REVIEW

Section 306.2 of the Zoning Bylaw (No.1160, 2013) indicates that in addition to minimum setback requirements of other parts of this Bylaw:

- 1) No building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged within
 - a) 7.5 m (25 ft) on the upland side of the natural boundary of the ocean,
 - b) 30 m (98.5 ft) of the natural boundary of any other natural watercourse or source of water supply, except as expressly otherwise specified in a Zone, or in a registered covenant under section 219 of the *Land Title Act* in favour of the District or the Province.

A “Structure” is defined by the Zoning Bylaw as “anything that is constructed, fixed to, supported by or sunk into land or water”. A “Watercourse” is defined by the Zoning Bylaw as “any natural or man-made drainage course or source of water, intermittent or not, including any lake, river, creek, spring, ravine, swamp, or source of ground or surface water, or as designated by the Ministry of Environment”.

Section 2(1) (Application to Local Governments) of the provincial *Riparian Areas Protection Regulation* (RAPR) does not include the District of Ucluelet in the list of local governments to which the RAPR applies, therefore a RAPR assessment of the proposed stormwater discharge should not be required.

Our prior assessment of Lot 1 indicated that Stream 28 is formed by the discharge from ditches along Marine Drive and Matterson Drive and that there was little topographic evidence to suggest that there was a natural watercourse at this location prior to development of the area.

The ditch along the east side of Marine Drive already connects to Stream 28 via a buried storm pipe running northwest under Marine Drive and the north end of Lot 1 (Figure 1). The pipe discharges about 6 metres downstream of the existing storm outfall structure, with the pipe's end buried beneath rip-rap rock - possibly to dissipate flow energy.

Newcastle Engineering Ltd. estimates the discharge flows from the proposed development of Lot 16 as:

- Q10 (10 year event flow) = 357 l/s; and,
- Q100 (100 year event flow) = 499 l/s.

Newcastle Engineering Ltd. believes the existing storm pipe (525 mm) has the capacity to handle these projected storm flows.

3.0 DISCUSSION & RECOMMENDATIONS

"Stream 28" originates from a stormwater outlet structure adjacent to the north end of Lot 1 (Photograph 1). Drainage from the outlet structure runs within a man-made, rock lined channel between Lot 1 and the Big Beach access road / trail (Photograph 2). The drainage course turns south near the toe of slope and runs through the west side of Lot 1, forming a poorly defined swamp area (Photograph 3) near the public washroom in the park. The drainage turns west near the south end of the Lot 1, crosses under the beach trail in a culvert (Photograph 4) and discharges onto the beach (Photograph 5). The overall day-lighted length of channel between the storm drain outlet and the beach is 145 m. There was no potential for fish to gain access to the drainage from the ocean due to extensive channel blockage created by driftwood and beach gravels.

The provincial *Water Sustainability Act* (WSA) applies to natural watercourses or natural sources of water supply. As the drainage course on and adjacent to the subject property originates from a stormwater discharge and appears to be entirely man-made it is our interpretation that the WSA would not apply to it.

Predicted changes associated with additional stormwater discharge from development of Lot 16 to Stream 28 include the potential for flooding of the beach trail at the culvert crossing. The culvert diameter was not measured during our assessment of Lot 1, but based on site photographs it appears to be <525 mm (Photograph 4). There is also some potential for flooding or enlargement of the small swamp area in the vicinity of the public washroom.

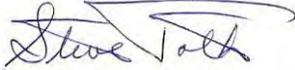
We recommend that the elevation of the public washroom be surveyed in relation to the high water mark of the adjacent swamp area, and the culvert diameter at the beach trail crossing be measured.

Potential changes to water quality associated with development of Lot 16 include increased sediment levels in run-off. An erosion and sediment control plan should be implemented during the construction phase to minimize suspended sediments in site run-off.

There is a low possibility that additional flows could result in erosion of the gravel and driftwood berm at the mouth of the stream, potentially allowing fish colonization of Stream 28.

Should you have any questions or concerns regarding the contents of this report, please feel free to contact me at (250) 390-7602.

Sincerely,
Steve Toth, ASCT, R.P.Bio.



Toth and Associates Environmental Services



Figure 1. July 2021 air photo with existing & proposed drainage features





Photograph 1. View from Big Beach access trail to stormwater outlet headwall & grate.



Photograph 2. View downstream from headwall to rip-rap channel.



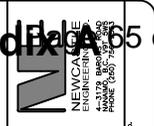
Photograph 3. View of swampy area adjacent to public washroom.



Photograph 4. View of culvert under beach trail.



Photograph 5. View of the mouth of the drainage course at the beach.



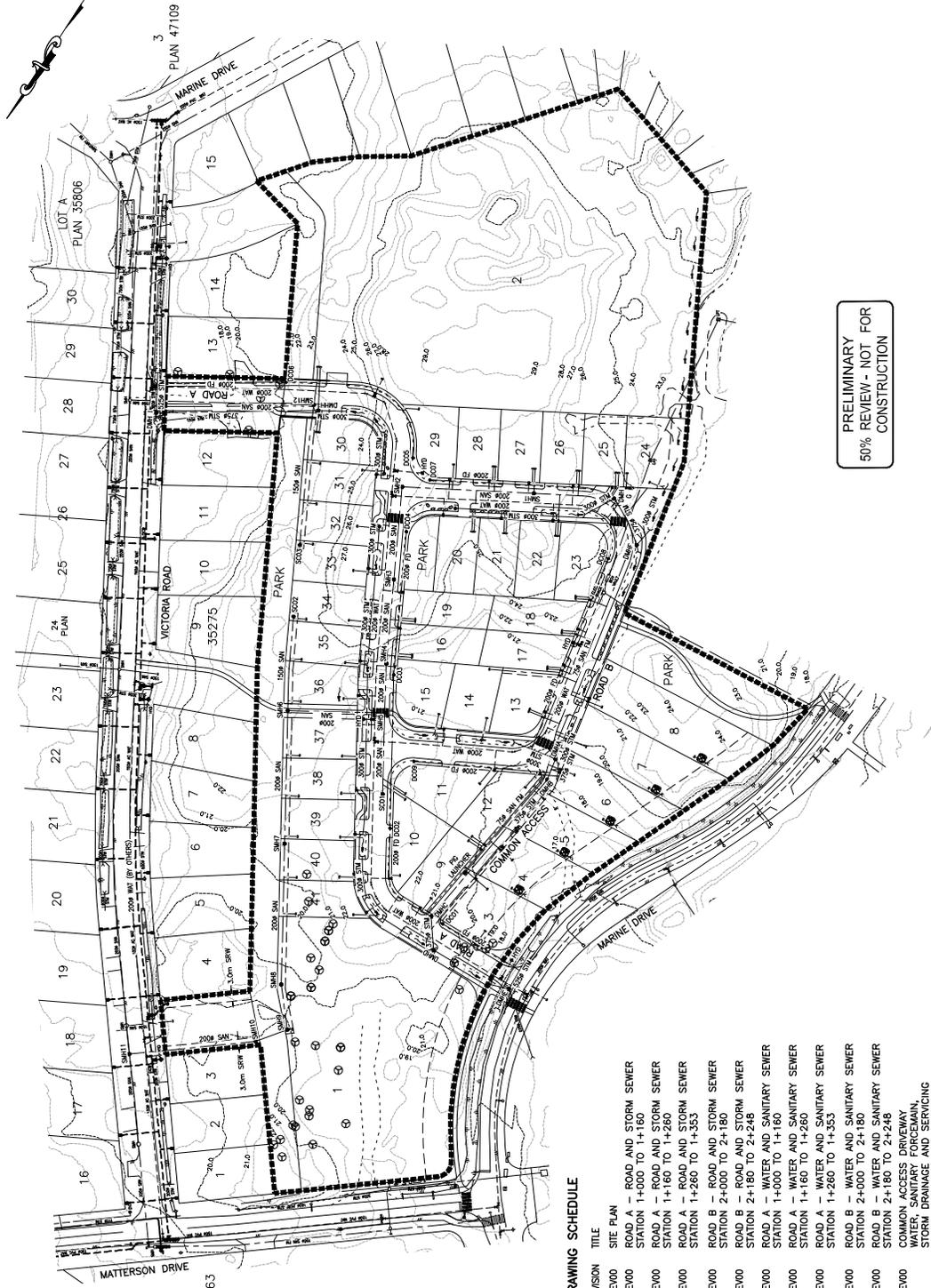
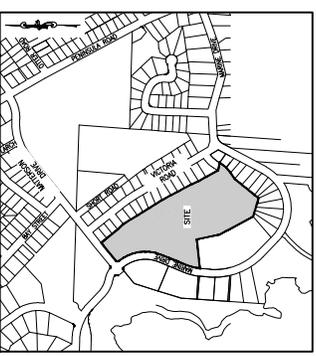
PROJECT NO.	0370-038	DRAWING NO.	01	REVISION NO.	01	CITY PLAN NO.	01
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DESIGN	NET	CLIENT NAME	0985470 BC LTD.
DRAWN	JTD	PROJECT NAME	LOT 16 MARINE DRIVE UCLUELET, BC
CHECKED	NET	ES&S PERMIT TO PRACTICE NUMBER	1000856
DATE	01-30-23	VERTICAL SCALE	1:12.50

SITE LEGAL DESCRIPTION	DISTRICT LOT 281, CLAYOQUET DISTRICT
BENCHMARK DESCRIPTION	TEMPORARY BENCHMARK BGL5767 LOCATED AT THE INTERSECTION OF MATTERSON STREET AND VICTORIA ROAD. ELEVATION 20.730m

PROPOSED	EXISTING
WATERMAIN	WATERMAIN
SANITARY SEWER	SANITARY SEWER
ELECTRICAL DUCT	ELECTRICAL DUCT
MULTI/UTILITY TRENCH	MULTI/UTILITY TRENCH
EDGE OF PAVEMENT	EDGE OF PAVEMENT
EDGE OF CONSTRUCTION	EDGE OF CONSTRUCTION
LIMIT OF CONSTRUCTION	LIMIT OF CONSTRUCTION

REV.	DATE	BY	REVISION DESCRIPTION	DWG
00	06/02/22	JTD	FORWARDED TO DISTRICT OF UCLUELET FOR REVIEW - NOT FOR CONSTRUCTION	NET
01	01/30/23	JTD	DISTRICT OF UCLUELET COMMENTS ADDRESSED - NOT FOR CONSTRUCTION	NET



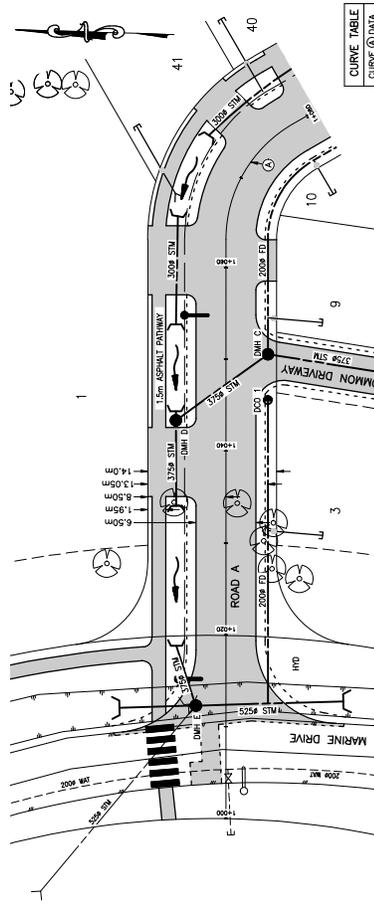
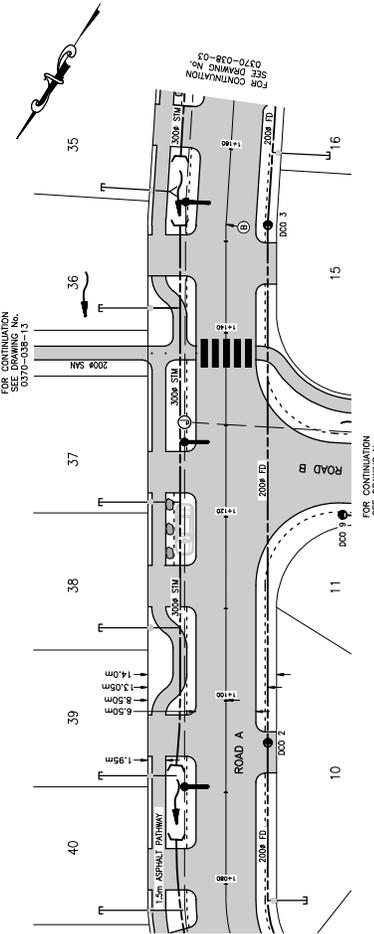
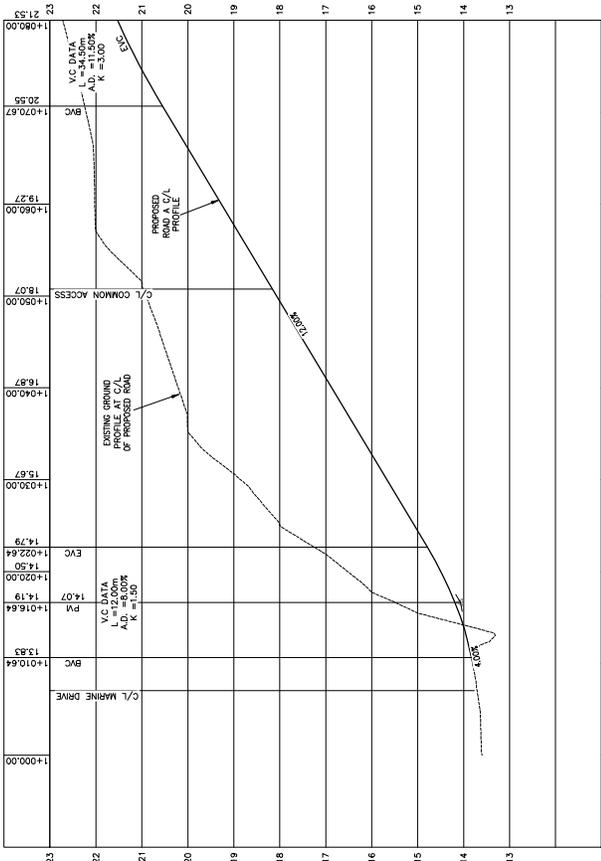
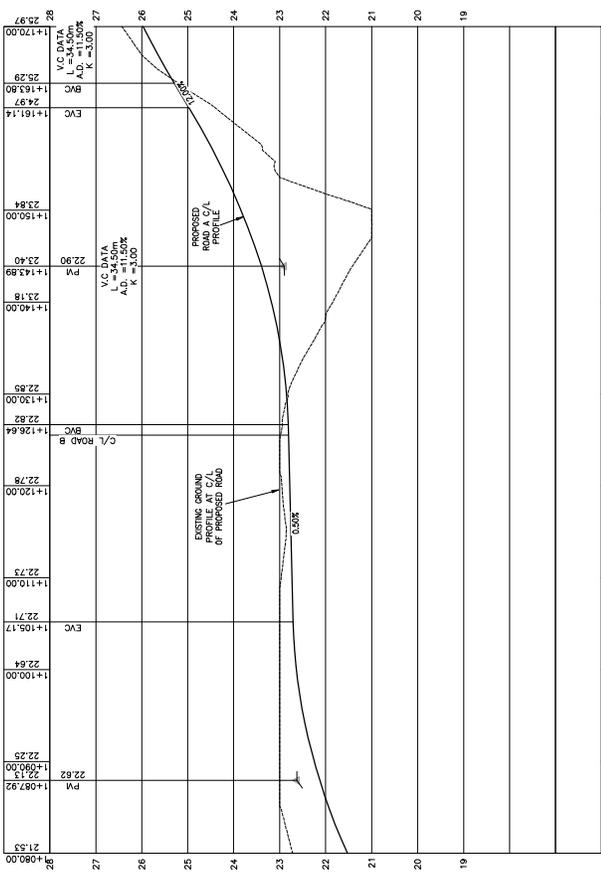
PRELIMINARY REVIEW - NOT FOR CONSTRUCTION



- NOTES:**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BRITISH COLUMBIA BUILDING ACT AND THE BRITISH COLUMBIA REGULATION UNDER THE BUILDING ACT.
 2. THE DISTRICT OF UCLUELET CONSTRUCTION DEPARTMENT SHALL BE NOTIFIED 48 HOURS PRIOR TO THE START OF CONSTRUCTION.
 3. CONNECTION TO OR A DIVERSION OF EXISTING CITY WATER MAINS SHALL BE UNDERWRITTEN BY THE DISTRICT OF UCLUELET.
 4. A PERMIT TO INSTALL WORKS WITHIN CITY STREETS, LANES AND OTHER PROPERTY AREAS WILL BE REQUIRED WHERE CONSTRUCTION IS TO BE UNDERTAKEN IN THESE AREAS. PERMITS AND CONDITIONS WILL BE OBTAINED BY THE CONTRACTOR.
 5. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE BRITISH COLUMBIA CONSTRUCTION ACT AND THE BRITISH COLUMBIA REGULATION UNDER THE CONSTRUCTION ACT.
 6. THE LOCATION OF EXISTING SERVICES ARE SHOWN APPROXIMATELY AND SHALL BE CONFIRMED IN THE FIELD BY THE CONTRACTOR.
 7. ALL EXISTING SERVICES SHALL BE PROTECTED AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 8. CONTRACTOR TO OBTAIN PERMITS AND APPROVALS FOR UTILITIES AND ALL CONDUITS AND CABLES TO BE INSTALLED IN ACCORDANCE WITH THE BRITISH COLUMBIA CONSTRUCTION ACT AND THE BRITISH COLUMBIA REGULATION UNDER THE CONSTRUCTION ACT.
 9. EXISTING EDGE OF PAVEMENT TO BE LAYOUT STRAIGHT BACK TO THE REQUIRED THICKNESS OF THE EXISTING PAVEMENT.
 10. EXISTING SIDEWALKS SHALL BE LAYOUT STRAIGHT BACK TO THE REQUIRED THICKNESS OF THE EXISTING SIDEWALKS.
 11. EXISTING SIDEWALKS SHALL BE LAYOUT STRAIGHT BACK TO THE REQUIRED THICKNESS OF THE EXISTING SIDEWALKS.
 12. EXISTING SIDEWALKS SHALL BE LAYOUT STRAIGHT BACK TO THE REQUIRED THICKNESS OF THE EXISTING SIDEWALKS.

- EROSION AND SEDIMENT CONTROL:**
1. SEE PROJECT SPECIFIC EROSION AND SEDIMENT CONTROL PLAN FOR DETAILS OF REQUIRED WORKS.
 2. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 3. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 4. ANY DIRECTION GIVEN BY THE ENGINEER TO THE CONTRACTOR FOR EROSION AND SEDIMENT CONTROL MEASURES SHALL BE OBTAINED FROM THE DISTRICT OF UCLUELET.
 5. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL EROSION AND SEDIMENT CONTROL MEASURES ARE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR EROSION AND SEDIMENT CONTROL MEASURES.
 7. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR EROSION AND SEDIMENT CONTROL MEASURES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR EROSION AND SEDIMENT CONTROL MEASURES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR EROSION AND SEDIMENT CONTROL MEASURES.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR EROSION AND SEDIMENT CONTROL MEASURES.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FOR EROSION AND SEDIMENT CONTROL MEASURES.





CURVE TABLE

Curve No.	Stationing	Grade (%)	Length (m)	Radius (m)
1	1+170.00 - 1+180.00	11.50	30.00	1150.00
2	1+080.00 - 1+070.00	11.50	30.00	1150.00



REVISIONS

No.	Date	By	Revision Description
01	06/02/22	JTD	ISSUED TO DISTRICT OF VALLETT FOR REVIEW - NOT FOR CONSTRUCTION
02	07/20/23	JTD	FOR DISTRICT OF VALLETT COMMENTS ADDRESSED - NOT FOR CONSTRUCTION

PRELIMINARY 50% REVIEW - NOT FOR CONSTRUCTION

ROAD A ROAD AND STORM SEWER STATION 1+000 TO 1+160

0985470 BC LTD.

LOT 16 MARINE DRIVE UCLUELLET, BC

DRAWING NO. 0370-038 REVISION NO. 02 CITY PLAN FILE NO. 01

PROJECT NO. 0370-038-06

CLIENT NAME: 0985470 BC LTD. PROJECT NAME: LOT 16 MARINE DRIVE UCLUELLET, BC

DESIGN NET: DRAWN: NET, CHECKED: NET, PLOT DATE: 01-30-23, PRINT DATE: [blank], VERTICAL SCALE: 1:25.00, HORIZONTAL SCALE: 1:250.00

SITE LEGAL DESCRIPTION: DISTRICT LOT 281, CLAYOQUET DISTRICT

BENCHMARK DESCRIPTION: TEMPORARY BENCHMARK BGL5767 LOCATED AT THE INTERSECTION OF MATTERSON STREET AND VICTORIA ROAD. ELEVATION 20.730m

LEGEND: [Symbol] EXIST. ROAD, [Symbol] EXIST. STORM SEWER, [Symbol] EXIST. SANITARY SEWER, [Symbol] EXIST. ELECTRICAL DUCT, [Symbol] EXIST. MISC. UTILITY, [Symbol] EXIST. EASEMENT, [Symbol] EXIST. LIMIT OF CONSTRUCTION, [Symbol] PROPOSED ROAD, [Symbol] PROPOSED STORM SEWER, [Symbol] PROPOSED SANITARY SEWER, [Symbol] PROPOSED ELECTRICAL DUCT, [Symbol] PROPOSED MISC. UTILITY, [Symbol] PROPOSED EASEMENT, [Symbol] PROPOSED LIMIT OF CONSTRUCTION

NOTES:

- SEE DRAWING 0370-038-100 FOR GENERAL NOTES.
- THE LOCATIONS OF EXISTING SERVICES ARE SHOWN APPROXIMATELY AND THE EXISTING SERVICES ARE NOT TO BE DISTURBED. THE COMMENCEMENT OF WORK, EXISTING & PROPOSED SERVICES MAY REQUIRE ADJUSTMENT WHERE A CONFLICT OCCURS. THE ENGINEER SHALL BE RESPONSIBLE FOR CONFLICT.

PRELIMINARY FOR
50% REVIEW - NOT FOR
CONSTRUCTION

NEWCASTLE
NEWCASTLE
4-3122 BRIDGE
PROJECT NO. 0370-038-03
CITY PLAN FILE NO.

**ROAD B
AND STORM SEWER
STATION 2+180 TO 2+248**

PROJECT NO. 0370-038
DRAWING NO. 06
REVISION NO. 01

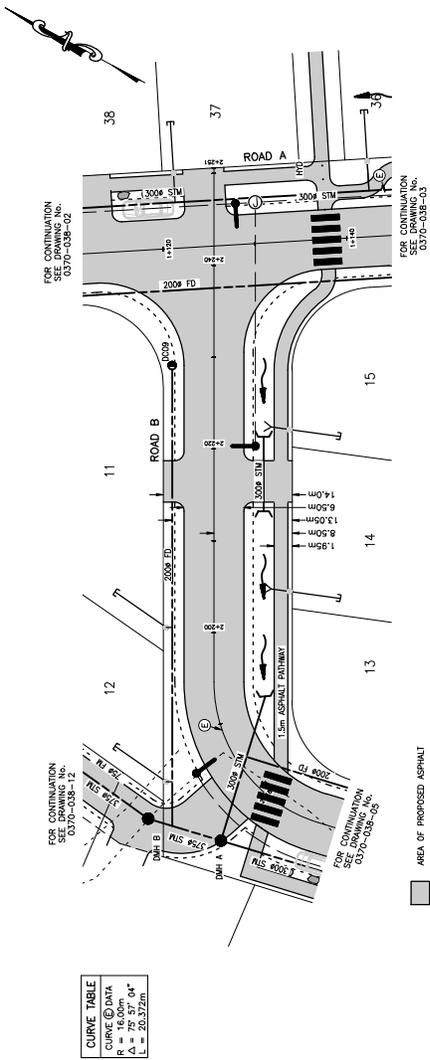
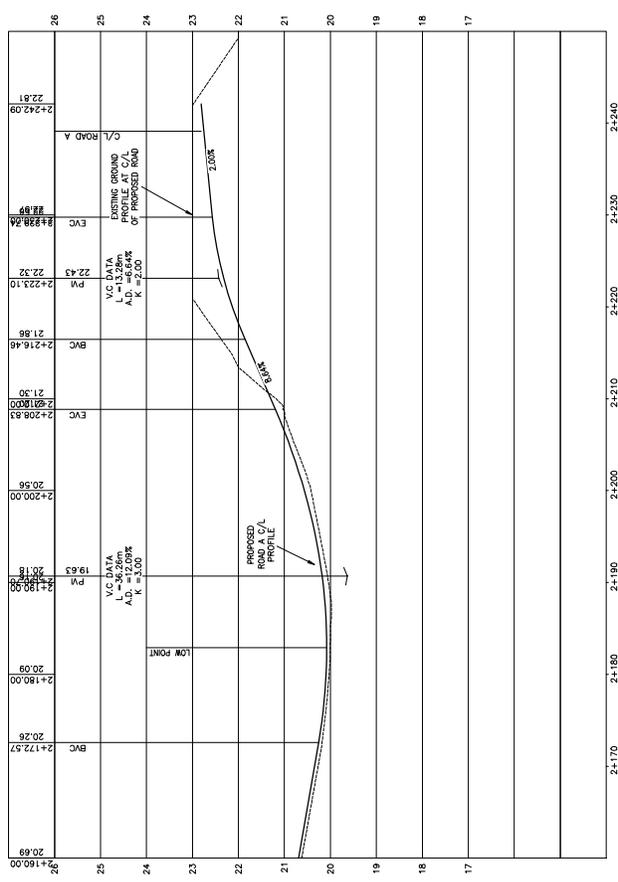
CLIENT NAME
0985470 BC LTD.

PROJECT NAME
**LOT 16 MARINE DRIVE
UCULET, BC**

SITE LEGAL DESCRIPTION
DISTRICT LOT 281, CLAYOQUET DISTRICT

BENCHMARK DESCRIPTION
**TEMPORARY BENCHMARK BGL5767 LOCATED AT THE
INTERSECTION OF MATTERSON STREET AND VICTORIA
ROAD. ELEVATION 207.90m**

REV. NO.	DATE	BY	REVISION DESCRIPTION
00	06/02/21	JTD	SUBMITTED TO DISTRICT OF UCULET FOR REVIEW - NOT FOR CONSTRUCTION
01	01/20/23	JTD	FOR PRELIMINARY REVIEW - NOT FOR CONSTRUCTION



CURVE @ DATA

R = 18.00m
Δ = 75.57° 04"
L = 20.52m

- NOTES:
- SEE DRAWING 0370-038-100 FOR GENERAL NOTES.
 - THE LOCATIONS OF EXISTING SERVICES ARE SHOWN APPROXIMATELY AND THE EXISTING SERVICES ARE NOT TO BE DISTURBED. THE ENGINEER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF EXISTING SERVICES AND THE COMMENCEMENT OF WORK, EXISTING & PROPOSED SERVICES MAY REQUIRE ADJUSTMENT WHERE A CONFLICT OCCURS. THE ENGINEER SHALL BE RESPONSIBLE FOR ANY CONFLICT.

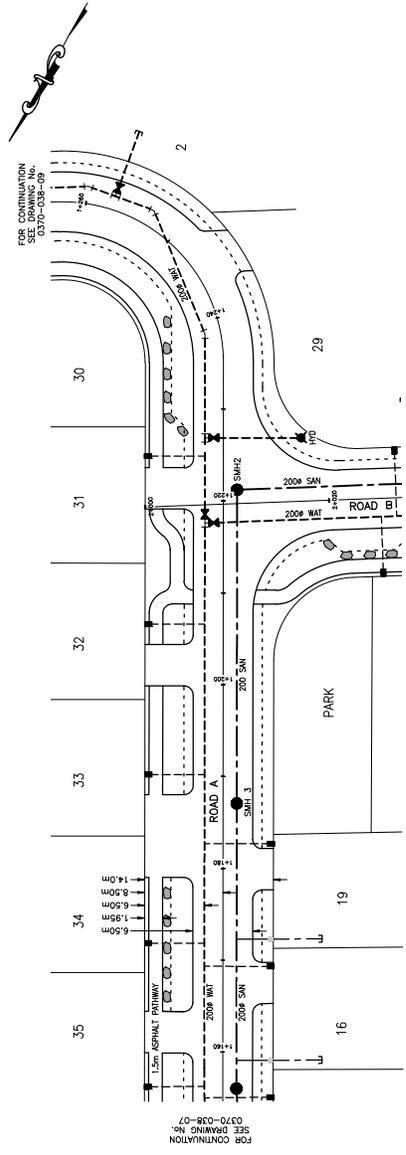
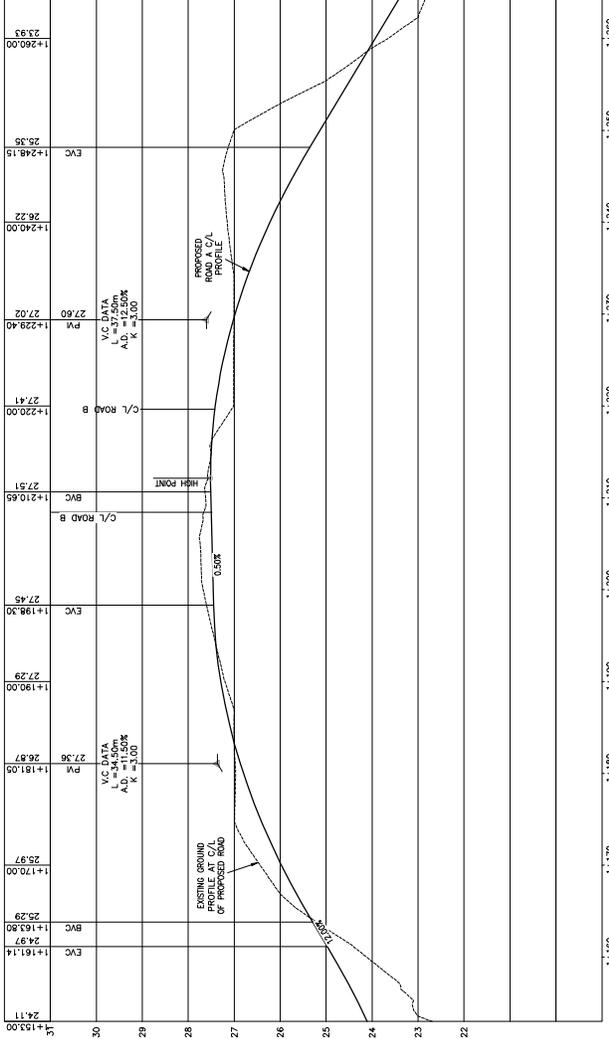
LEGEND

EXIST.	PROPOSED
--- MATTERSON STREET	--- MATTERSON STREET
--- STORM SEWER	--- STORM SEWER
--- WATER	--- WATER
--- GAS	--- GAS
--- ELECTRICAL DUCT	--- ELECTRICAL DUCT
--- MET/VALVE/FRANGL	--- MET/VALVE/FRANGL
--- FISH	--- FISH
--- EDGE OF PAVEMENT	--- EDGE OF PAVEMENT
--- LIMIT OF CONSTRUCTION	--- LIMIT OF CONSTRUCTION

PRELIMINARY FOR
50% REVIEW - NOT FOR
CONSTRUCTION

01
WATER AND SANITARY SEWER
STATION 1+160 TO 1+260

PROJECT NO. 0370-038
DRAWING NO. 08
REVISION NO. 00
CITY PLAN FILE NO.



- NOTES:
- SEE DRAWING 0370-038-100 FOR GENERAL NOTES.
 - THE LOCATIONS OF EXISTING SERVICES ARE SHOWN APPROXIMATELY AND THE EXISTING SERVICES ARE NOT TO BE DISTURBED. THE COMMENCEMENT OF WORK, EXISTING & PROPOSED SERVICES MAY REQUIRE ADJUSTMENT WHERE A CONFLICT OCCURS. THE ENGINEER SHALL BE ADVISED BY ANY CONFLICT.

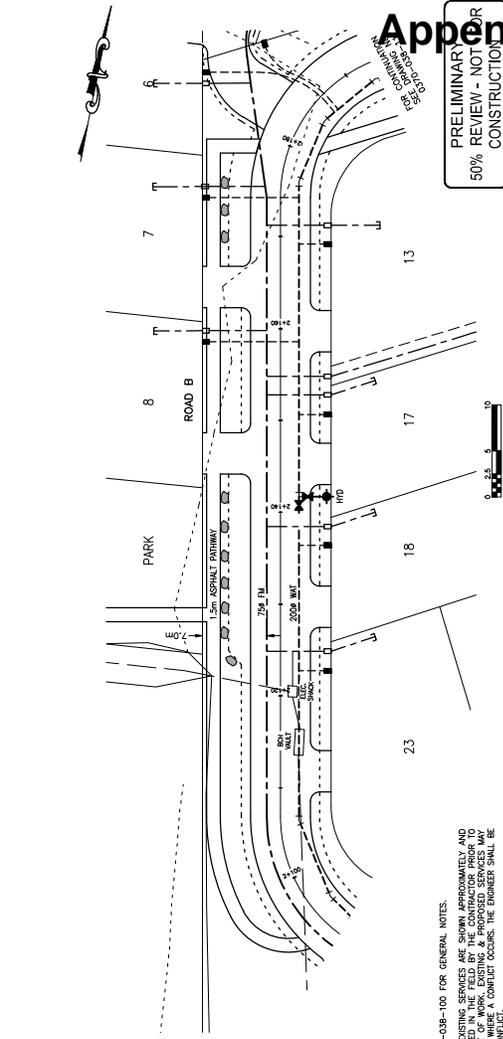
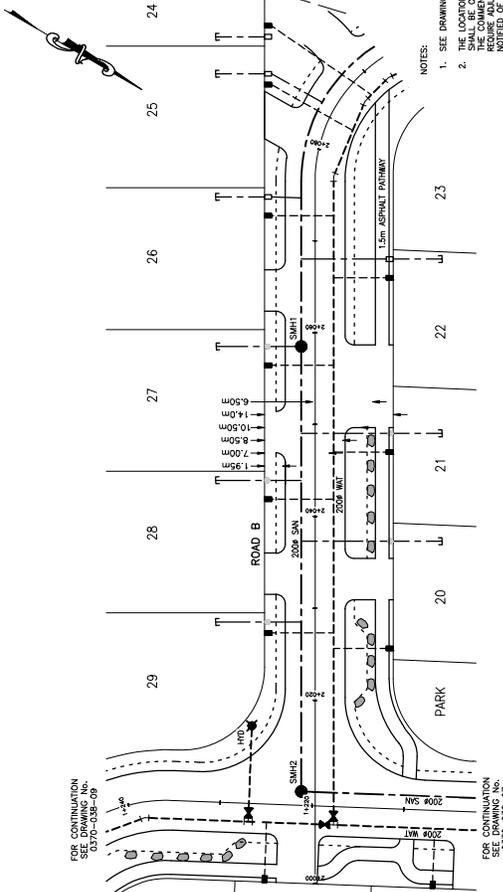
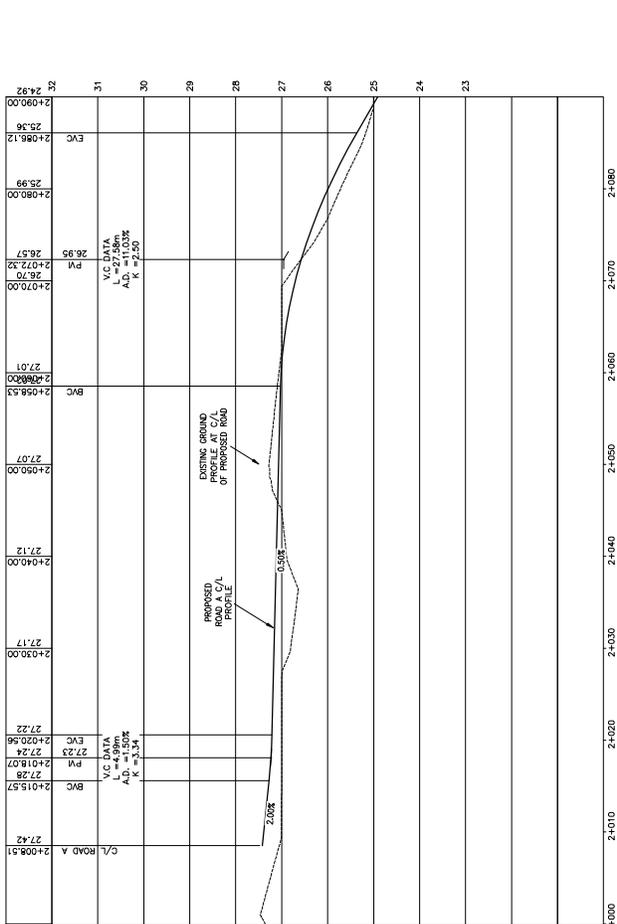
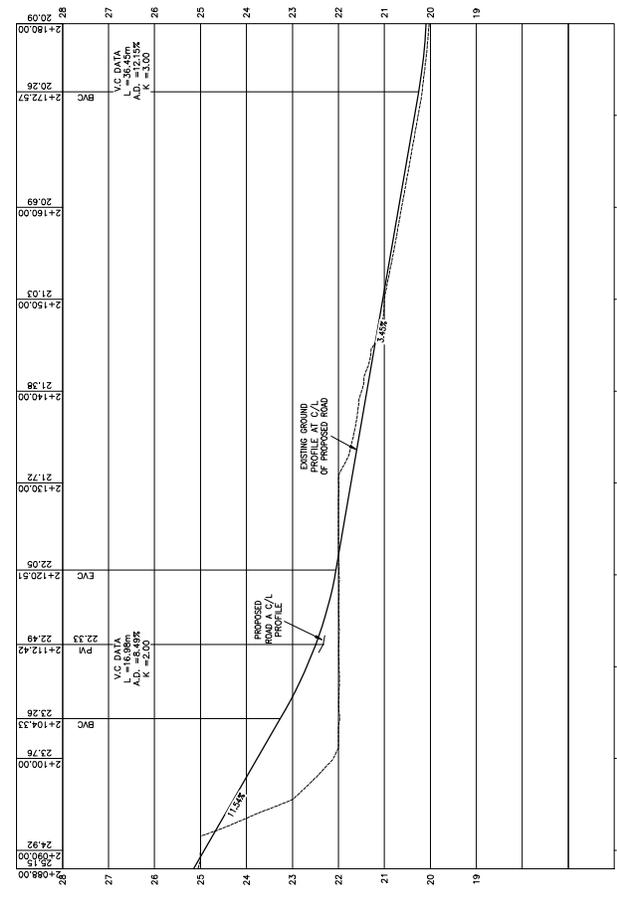
REV. NO.	DATE	BY	REVISION DESCRIPTION
00	06/22/21	JTD	SUBMITTED TO DISTRICT OF VICTORIA FOR REVIEW - NOT FOR CONSTRUCTION
01	07/29/21	JTD	DISTRICT OF VICTORIA COMMENTS ADDRESSED - NOT FOR CONSTRUCTION

PROPOSED	EXISTING
--- WATERMAIN	--- WATERMAIN
--- SANITARY SEWER	--- SANITARY SEWER
--- ELECTRIC DUCT	--- ELECTRIC DUCT
--- MET/VOL/HAZ/HAZAL	--- MET/VOL/HAZ/HAZAL
--- FISH	--- FISH
--- EDGE OF PAVEMENT	--- EDGE OF PAVEMENT
--- FUTURE LIMIT OF CONSTRUCTION	--- FUTURE LIMIT OF CONSTRUCTION

DESIGN	NET	CLIENT NAME
DRAWN	JTD	0985470 BC LTD.
CHECKED	NET	LOT 16 MARINE DRIVE
DESIGNER'S SEAL	DESIGNER'S SEAL	UCLEULET, BC
DESIGNER'S SEAL	DESIGNER'S SEAL	DISTRICT LOT 281, CLAYOQUOT DISTRICT
DESIGNER'S SEAL	DESIGNER'S SEAL	BENCHMARK DESCRIPTION
DESIGNER'S SEAL	DESIGNER'S SEAL	TEMPORARY BENCHMARK BGL5767 LOCATED AT THE INTERSECTION OF MATTERSON STREET AND VICTORIA ROAD. ELEVATION 20.730m

DESIGN	NET	CLIENT NAME
DRAWN	JTD	0985470 BC LTD.
CHECKED	NET	LOT 16 MARINE DRIVE
DESIGNER'S SEAL	DESIGNER'S SEAL	UCLEULET, BC
DESIGNER'S SEAL	DESIGNER'S SEAL	DISTRICT LOT 281, CLAYOQUOT DISTRICT
DESIGNER'S SEAL	DESIGNER'S SEAL	BENCHMARK DESCRIPTION
DESIGNER'S SEAL	DESIGNER'S SEAL	TEMPORARY BENCHMARK BGL5767 LOCATED AT THE INTERSECTION OF MATTERSON STREET AND VICTORIA ROAD. ELEVATION 20.730m

DESIGN	NET	CLIENT NAME
DRAWN	JTD	0985470 BC LTD.
CHECKED	NET	LOT 16 MARINE DRIVE
DESIGNER'S SEAL	DESIGNER'S SEAL	UCLEULET, BC
DESIGNER'S SEAL	DESIGNER'S SEAL	DISTRICT LOT 281, CLAYOQUOT DISTRICT
DESIGNER'S SEAL	DESIGNER'S SEAL	BENCHMARK DESCRIPTION
DESIGNER'S SEAL	DESIGNER'S SEAL	TEMPORARY BENCHMARK BGL5767 LOCATED AT THE INTERSECTION OF MATTERSON STREET AND VICTORIA ROAD. ELEVATION 20.730m



NOTES:
 1. SEE DRAWING 0370-038-100 FOR GENERAL NOTES.
 2. THE LOCATIONS OF EXISTING SERVICES ARE SHOWN APPROXIMATELY AND THE EXISTING UTILITIES ARE SHOWN AS A GUIDE ONLY. THE ENGINEER SHALL REQUIRE ADJUSTMENT WHERE A CONFLICT OCCURS. THE ENGINEER SHALL BE NOTIFIED OF ANY CONFLICT.

Rev. No.	DATE	BY	REVISION DESCRIPTION	00	06/22/23	JTD	ISSUED TO DISTRICT OF VULBERT FOR REVIEW - NOT FOR CONSTRUCTION	HT	
				01	07/20/23	JTD	DISTRICT OF VULBERT COMMENTS ADDRESSED - NOT FOR CONSTRUCTION	HT	
LEGEND EXIST: ASPHALT, SANITARY SEWER, ELECTRICAL DUCT, FISH, SIDE OF PAVEMENT, LIMIT OF CONSTRUCTION PROP: PROPOSED ASPHALT, SANITARY SEWER, ELECTRICAL DUCT, FISH, SIDE OF PAVEMENT, LIMIT OF CONSTRUCTION EXIST: MAKE GOOD, EXISTING ASPHALT, EXISTING SANITARY SEWER, EXISTING ELECTRICAL DUCT, EXISTING FISH, EXISTING SIDE OF PAVEMENT, EXISTING LIMIT OF CONSTRUCTION PROP: PROPOSED ASPHALT, PROPOSED SANITARY SEWER, PROPOSED ELECTRICAL DUCT, PROPOSED FISH, PROPOSED SIDE OF PAVEMENT, PROPOSED LIMIT OF CONSTRUCTION				ENGINEER'S SEAL DESIGNED: NET DRAWN: JTD CHECKED: NET PLOT DATE: 01-30-23 PRINT DATE: ESDS PERMIT TO PRACTICE NUMBER: 1000856 HORIZONTAL SCALE: 1:2500 VERTICAL SCALE: 1:500					
SITE LEGAL DESCRIPTION DISTRICT LOT 281, CLAYOQUOT DISTRICT BENCHMARK DESCRIPTION TEMPORARY BENCHMARK BGL5767 LOCATED AT THE INTERSECTION OF MATTERSON STREET AND VICTORIA ROAD. ELEVATION 20.730m				CLIENT NAME 0985470 BC LTD. PROJECT NAME LOT 16 MARINE DRIVE UCLULET, BC					
ROAD B WATER AND SANITARY SEWER STATION 2+000 TO 2+180				PROJECT NO. 0370-038					
ROAD B WATER AND SANITARY SEWER STATION 2+000 TO 2+180				DRAWING NO. 10					
ROAD B WATER AND SANITARY SEWER STATION 2+000 TO 2+180				REGION NO. 01					
ROAD B WATER AND SANITARY SEWER STATION 2+000 TO 2+180				CITY PLAN FILE NO.					

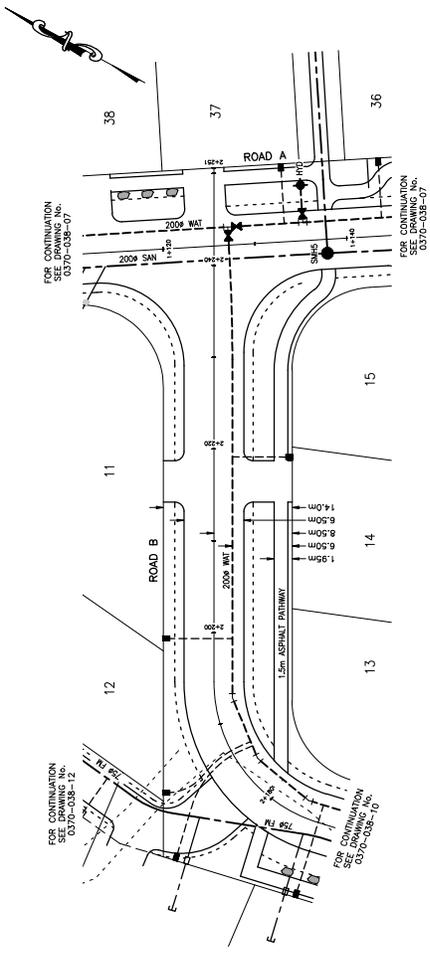
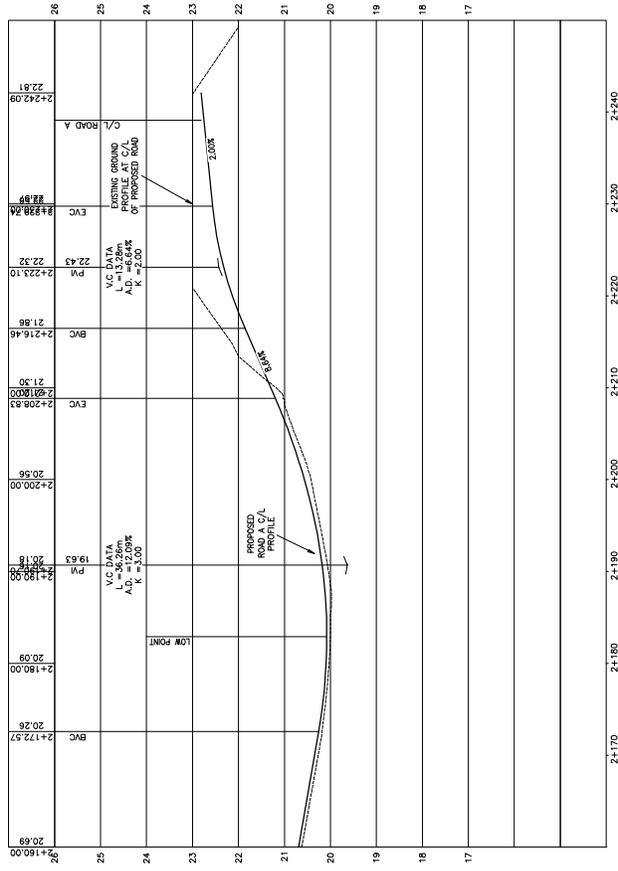
DVP for Subdivision Servicing - Lot 16 Marine Drive / 449 Matterson Drive...

PRELIMINARY FOR 50% REVIEW - NOT FOR CONSTRUCTION

NEWCASTLE ENGINEERING
 4-3124 BRIDGEWAY
 PHONE (08) 9374 3333
 FAX (08) 9374 3334

ROAD B WATER AND SANITARY SEWER STATION 2+180 TO 2+248

DRAWING No. 0370-038 REGION No. 11 REVISION No. 01 CITY PLAN FILE No.



PRELIMINARY NOT FOR CONSTRUCTION

NOTES:
 1. SEE DRAWING 0370-038-100 FOR GENERAL NOTES.
 2. THE LOCATIONS OF EXISTING SERVICES ARE SHOWN APPROXIMATELY AND THE ENGINEER HAS NOT BEEN ADVISED OF ANY CHANGES TO EXISTING SERVICES. THE COMMENCEMENT OF WORK, EXISTING & PROPOSED SERVICES MAY REQUIRE ADJUSTMENT WHERE A CONFLICT OCCURS. THE ENGINEER SHALL BE ADVISED OF ANY CONFLICT.

Rev. No.	DATE	BY	REVISION DESCRIPTION
00	06/02/23	JTD	SUBMITTED TO DISTRICT OF VULLETT FOR REVIEW - NOT FOR CONSTRUCTION
01	01/20/24	JTD	DISTRICT OF VULLETT COMMENTS ADDRESSED - NOT FOR CONSTRUCTION

DESIGN	NET	CLIENT NAME
DRAWN	NET	0985470 BC LTD.
CHECKED	NET	LOT 16 MARINE DRIVE
DESIGNED	NET	UCLUELLET, BC

DESIGNER'S SEAL	ENGINEER'S SEAL
DESIGNER'S SEAL	ENGINEER'S SEAL

PROJECT	DATE	SCALE
DISTRICT LOT 281, CLAYOQUET DISTRICT	01-30-23	1:250
BENCHMARK DESCRIPTION	PROJECT NUMBER: 1000856	VERTICAL SCALE
TEMPORARY BENCHMARK BGL5767 LOCATED AT THE INTERSECTION OF MATTERSON STREET AND VICTORIA ROAD. ELEVATION 20.730m	PRINT DATE	HORIZONTAL SCALE
	1:250	1:250

PROPOSED	EXISTING
WATER MAIN	WATER MAIN
SANITARY SEWER	SANITARY SEWER
ELECTRICAL DUCT	ELECTRICAL DUCT
NEUTRAL/PHASE MAIN	NEUTRAL/PHASE MAIN
EDGE OF PAVEMENT	EDGE OF PAVEMENT
EDGE OF RIGHT OF WAY	EDGE OF RIGHT OF WAY
LIMIT OF CONSTRUCTION	LIMIT OF CONSTRUCTION

PRELIMINARY FOR 50% REVIEW - NOT FOR CONSTRUCTION

COMMON ACCESS DRIVEWAY, WATER, SANITARY FORCEMAIN, STORM DRAINAGE AND SERVICING

PROJECT No. 0370-038
DRAWING No. 12
REVISION No. 01
CITY PLAN FILE No.

CLIENT NAME: 0985470 BC LTD.
PROJECT NAME: LOT 16 MARINE DRIVE UCLUELET, BC

DESIGN NET: DRAWN, CHECKED, PLOT DATE, PRINT DATE, VERTICAL SCALE 1:250, HORIZONTAL SCALE 1:250

SITE LEGAL DESCRIPTION: DISTRICT LOT 281, CLAYOQUOT DISTRICT

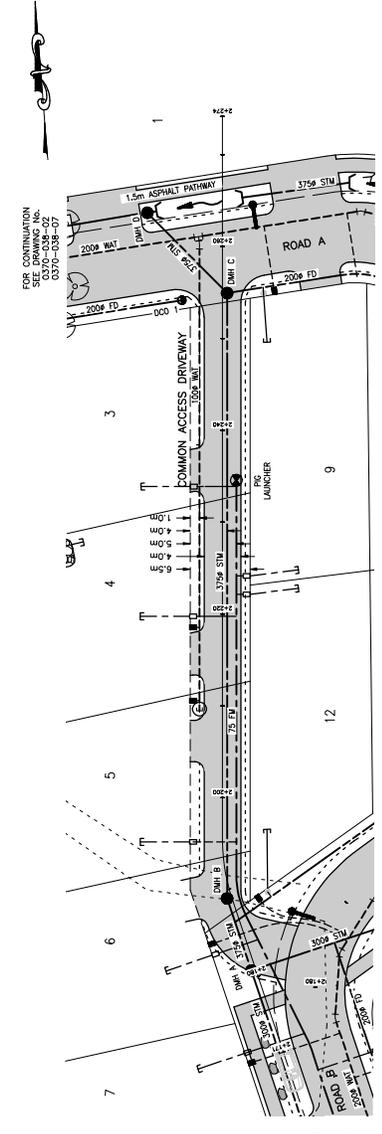
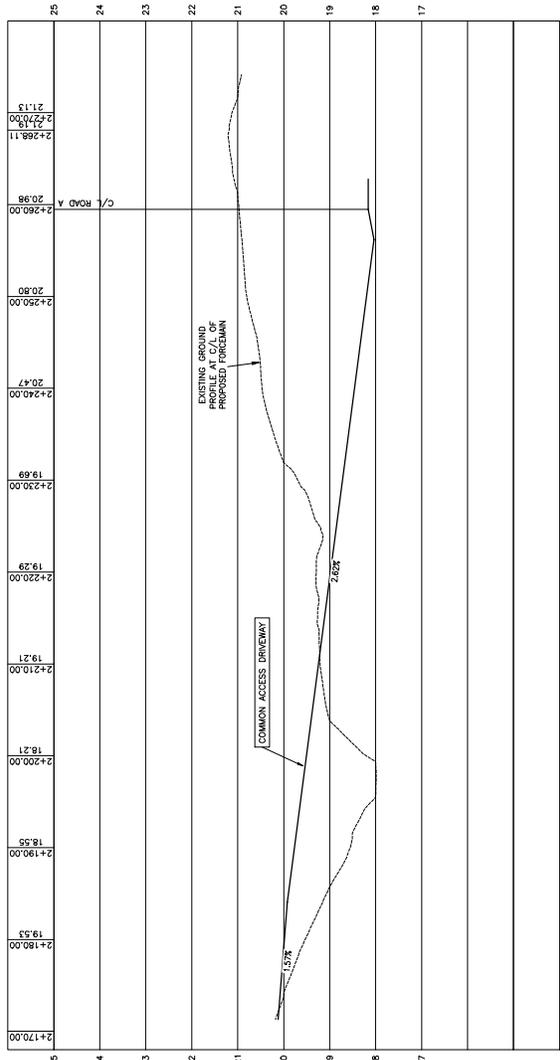
BENCHMARK DESCRIPTION: TEMPORARY BENCHMARK BGL5767 LOCATED AT THE INTERSECTION OF MATTERSON STREET AND VICTORIA ROAD, ELEVATION 207.90m

LEGEND

PROPOSED	EXISTING
--- WATERMAIN	--- WATERMAIN
--- SANITARY FORCEMAIN	--- SANITARY FORCEMAIN
--- STORM DRAINAGE	--- STORM DRAINAGE
--- ELECTRIC DUCT	--- ELECTRIC DUCT
--- MET/UTILITY TRENCH	--- MET/UTILITY TRENCH
--- SIDEWALK	--- SIDEWALK
--- EDGE OF PAVEMENT	--- EDGE OF PAVEMENT
--- SIDEWALK	--- SIDEWALK
--- LIMIT OF CONSTRUCTION	--- LIMIT OF CONSTRUCTION

REV. No.	DATE	BY	REVISION DESCRIPTION
00	06/02/21	JTD	SUBMITTED TO DISTRICT OF UCLUELET FOR REVIEW - NOT FOR CONSTRUCTION
01	01/20/23	JTD	FOR REVIEW - NOT FOR CONSTRUCTION

- NOTES:
- SEE DRAWING 0370-038-100 FOR GENERAL NOTES.
 - THE LOCATIONS OF EXISTING SERVICES ARE SHOWN APPROXIMATELY AND THE ENGINEER HAS NOT CONDUCTED FIELD VERIFICATION OF THE EXISTING SERVICES. THE ENGINEER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF WORK. EXISTING & PROPOSED SERVICES MAY REQUIRE ADJUSTMENT WHERE A CONFLICT OCCURS. THE ENGINEER SHALL BE RESPONSIBLE FOR ANY CONFLICTS.



PRELIMINARY FOR
50% REVIEW - NOT FOR
CONSTRUCTION

NEWCASTLE
ENGINEERING
4-3122 BRIDGEWAY
SUITE 100
PHONE (416) 778-7888
FAX (416) 778-7889

DRAWING TITLE
TREE REMOVAL PLAN

PROJECT NO. 0370-038
DRAWING NO. 16
REVISION NO. 01
CITY PLAN FILE NO.

CLIENT NAME
0985470 BC LTD.

PROJECT NAME
**LOT 16 MARINE DRIVE
UCLEULET, BC**

DESIGN NET
DRAWN JTD
CHECKED NET
PLOT DATE 01-30-23
PRINT DATE
EGBC PERMIT TO PRACTICE NUMBER: 100856
VERTICAL SCALE
1:17.50

ENGINEER'S SEAL
DISTRICT LOT 281, CLAYOQUET DISTRICT
BENCHMARK DESCRIPTION
TEMPORARY BENCHMARK BGL5767 LOCATED AT THE
INTERSECTION OF MATTERSON STREET AND VICTORIA
ROAD. ELEVATION 20.730m

LEGEND

PROPOSED	EXISTING
--- MATTERSON	--- EXISTING
--- SANITARY SEWER	--- EXISTING
--- ELECTRICAL DUCT	--- EXISTING
--- WATER MAIN	--- EXISTING
--- GAS MAIN	--- EXISTING
--- FISH	--- EXISTING
--- EDGE OF PAVEMENT	--- EXISTING
--- LIMIT OF CONSTRUCTION	--- EXISTING

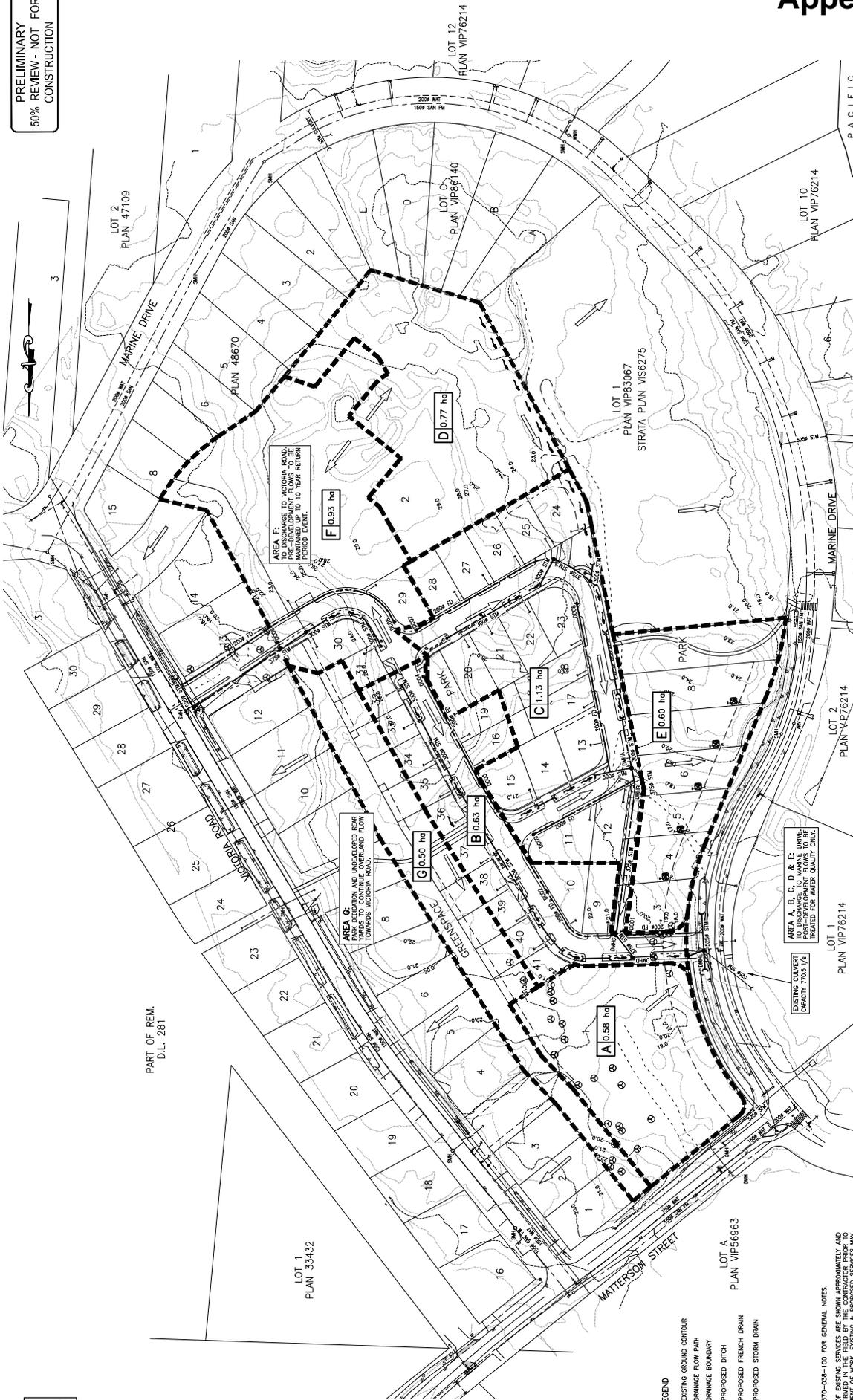
DATE BY REVISION DESCRIPTION
00 06/02/22 JTD EXAMINED IN DISTRICT OF VICTORIA FOR REVIEW - NOT FOR CONSTRUCTION
01 01/30/23 JTD DISTRICT OF VICTORIA COMMENTS ADDRESSED - NOT FOR CONSTRUCTION

- NOTES:
- SEE DRAWING 0370-038-100 FOR GENERAL NOTES.
 - THE LOCATIONS OF EXISTING SERVICES ARE SHOWN APPROXIMATELY, AND THE COMMENCEMENT OF WORK, EXISTING & PROPOSED SERVICES MAY REQUIRE ADJUSTMENT WHERE A CONFLICT OCCURS. THE ENGINEER SHALL BE NOTIFIED OF ANY CONFLICT.



DVP for Subdivision Servicing - Lot 16 Marine Drive / 449 Matterson Driv...

PRELIMINARY
50% REVIEW - NOT FOR
CONSTRUCTION



NEWCASTLE ENGINEERING 4-3127 BRIDGEWAY PHOENIX ROAD, PHOENIX WA 6008	
DRAWING NO. 0370-038	REVISION NO. 17
PROJECT NO. 0985470 BC LTD.	CITY PLAN FILE NO. 01
DRAWING TITLE STORM SEWER TRIBUTARY AREA PLAN	

CLIENT NAME 0985470 BC LTD.	PROJECT NAME LOT 16 MARINE DRIVE UCLULET, BC
DESIGNER NET	CHECKED NET
DRAWN NET	PLOT DATE 01-30-23
DATE 01-30-23	PRINT DATE 01-30-23
EGSBC PERMIT TO PRACTICE NUMBER: 1000856	VERTICAL SCALE 1:1250

SITE LEGAL DESCRIPTION DISTRICT LOT 281, CLAYOQUET DISTRICT	BENCHMARK DESCRIPTION TEMPORARY BENCHMARK BGL5767 LOCATED AT THE INTERSECTION OF MATTERSON STREET AND VICTORIA ROAD, ELEVATION 20.730m
--	---

SYMBOL	DESCRIPTION
	EXISTING GROUND CONTOUR
	DRAINAGE FLOW PATH
	DRAINAGE BOUNDARY
	PROPOSED DITCH
	PROPOSED FRENCH DRAIN
	PROPOSED STORM DRAIN
	EXISTING CULVERT
	MANHOLE
	STORM SEWER LINE
	ELECTRICAL DUCT
	NET/VALLEY CHANNEL
	EDGE OF PAVEMENT
	EDGE OF CONSTRUCTION
	LIMIT OF CONSTRUCTION

REV.	DATE	BY	REVISION DESCRIPTION
00	06/02/23	JTD	ISSUED TO DISTRICT OF VICTORIA FOR REVIEW - NOT FOR CONSTRUCTION
01	07/20/23	JTD	DISTRICT OF VICTORIA COMMENTS ADDRESSED - NOT FOR CONSTRUCTION

NOTES:
 1. SEE DRAWING 0370-038-100 FOR GENERAL NOTES.
 2. THE LOCATIONS OF EXISTING SERVICES ARE SHOWN APPROXIMATELY AND THE COMMENCEMENT OF WORK, EXISTING & PROPOSED SERVICES MAY VARY. THE ENGINEER SHALL BE NOTIFIED OF ANY CONFLICT.





PROJECT NO.	0370-039	DRAWING NO.	100	REGION NO.	01	CITY PLAN FILE NO.	
SITE PLAN							

CLIENT NAME	0985470 BC LTD.
PROJECT NAME	LOT 16 MARINE DRIVE UCLUELET, BC

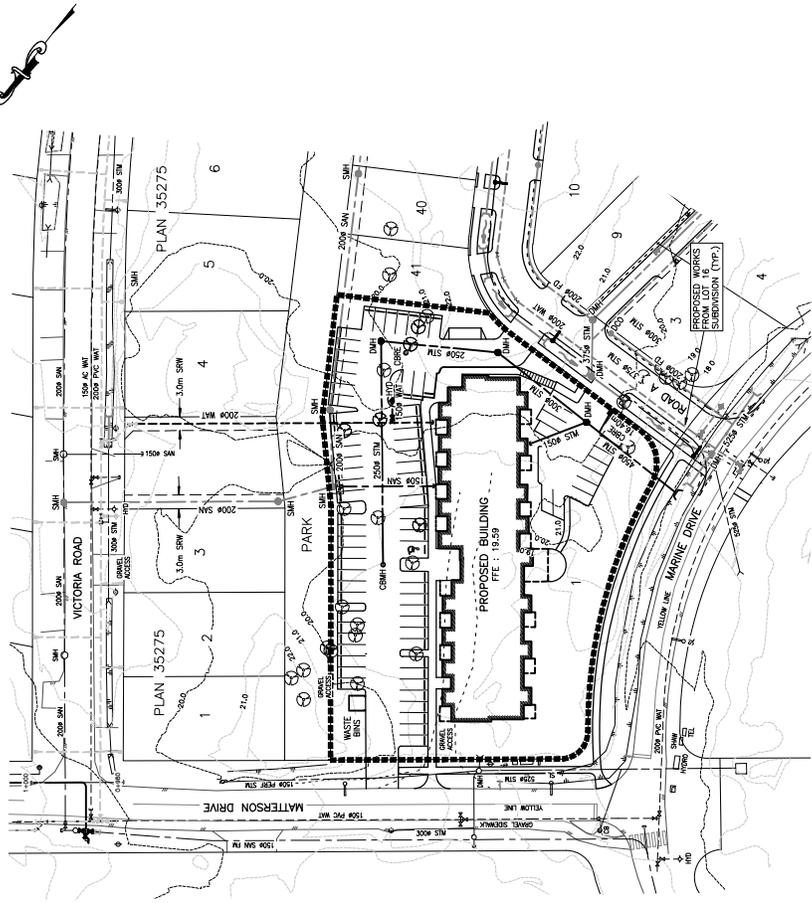
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CHECKED	NBT	PROJ DATE	01-30-23
PRINT DATE		ESRC PERMIT TO PRACTICE NUMBER	1000806
VERTICAL SCALE		HORIZONTAL SCALE	1:5000

ENGINEER'S SEAL	
SITE LEGAL DESCRIPTION	DISTRICT LOT 281, CLAYOQUOT DISTRICT
BENCHMARK DESCRIPTION	TEMPORARY BENCHMARK BOLS767 LOCATED AT THE INTERSECTION OF MATTERSON STREET AND VICTORIA ROAD. ELEVATION 20.730m

REVISION DESCRIPTION	DATE	BY
00	10/19/22	JTD
01	01/30/23	JTD

REVISION DESCRIPTION	DATE	BY
00	10/19/22	JTD
01	01/30/23	JTD

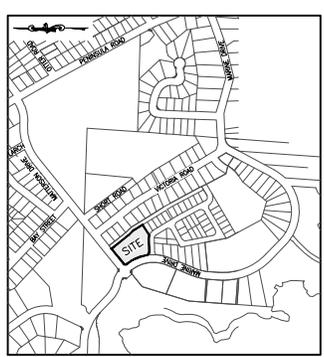
PRELIMINARY
NOT FOR CONSTRUCTION



DRAWING SCHEDULE

NEL DWG No.	REVISION	TITLE
0370-039-100	REV00	SITE PLAN
0370-039-101	REV00	PRELIMINARY SITE SERVICING PLAN
0370-039-102	REV00	PRELIMINARY SITE GRADING AND DRAINAGE MANAGEMENT PLAN

LOCATION PLAN
N.T.S.



- NOTES:**
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
 2. THE BOUNDARY OF THE DISTRICT OF VICTORIA IS SHOWN BY A DASHED LINE. THE BOUNDARY OF THE DISTRICT OF UCLUELET IS SHOWN BY A DOTTED LINE.
 3. CONNECTORS TO GAS SERVICE, ELECTRICITY, WATER, AND SEWERAGE SHALL BE INSTALLED BY THE CONTRACTOR.
 4. A PERMIT TO INSTALL WORKS WITHIN CITY STREETS, LANS, AND CITY PROPERTY MARKS WILL BE REQUIRED. THESE REQUIREMENTS ARE TO BE FULFILLED IN ACCORDANCE WITH THE CITY OF VICTORIA'S PERMITS AND BY-LAWS.
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.

- EROSION and SEDIMENT CONTROL:**
1. SEE PROJECT SPECIFIC EROSION AND SEDIMENT CONTROL PLAN FOR DETAILS OF REQUIRED WORKS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
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 15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.



PRELIMINARY
SITE SERVICING PLAN

0985470 BC LTD.

LOT 16 MARINE DRIVE
UCLUELET, BC

PROJECT NO.	0370-039	TOWN/REGION NO.	101	SECTION NO.	01	CITY PLAN FILE NO.	
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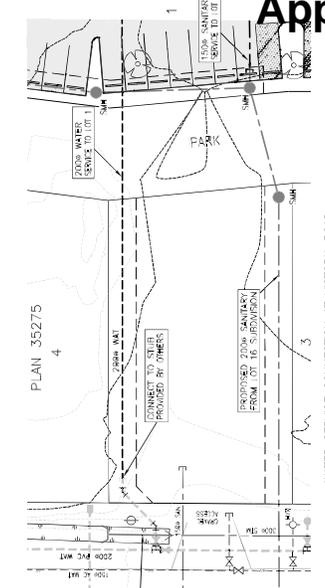
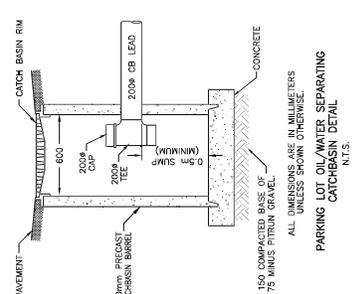
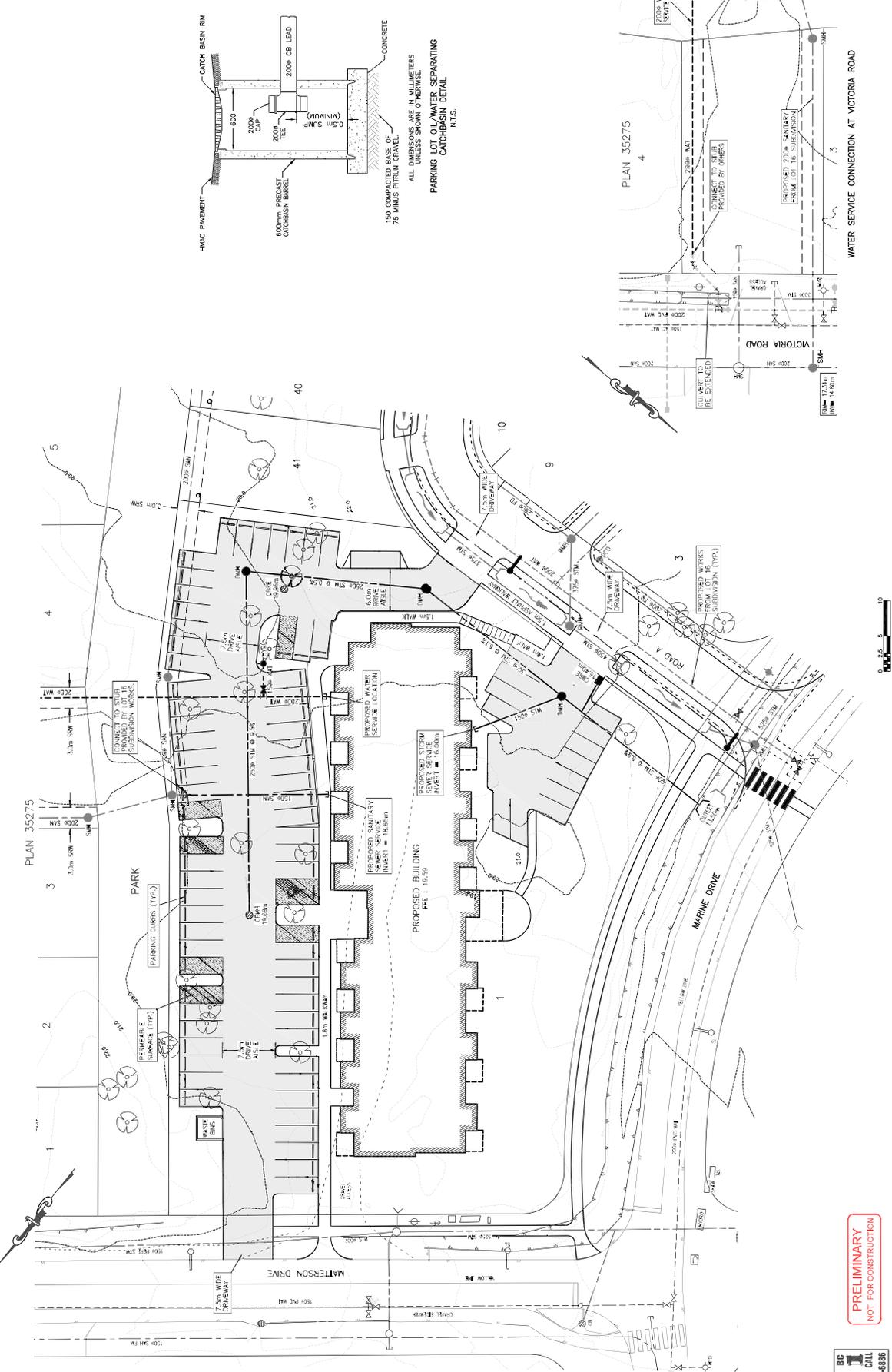
DESIGN	DATE	BY	CHKD	DATE	BY
DESIGNED	01-30-23	NBT	CHKD		
ES&C PERMIT TO PRACTICE NUMBER	1000368	VERTICAL SCALE	1:2500		

CLIENT NAME	0985470 BC LTD.
PROJECT NAME	LOT 16 MARINE DRIVE UCLUELET, BC
LEGAL DESCRIPTION	DISTRICT LOT 281, CLAYOQUET DISTRICT
BENCHMARK DESCRIPTION	TEMPORARY BENCHMARK BCLST67 LOCATED AT THE INTERSECTION OF MATTERSON STREET AND VICTORIA ROAD. ELEVATION 20.730m

REVISION DESCRIPTION	DATE	BY
SUBMITTED TO DISTRICT OF UCLUELET FOR REVIEW - NOT FOR CONSTRUCTION	10/19/22	JTD
REVIEWED BY DISTRICT OF UCLUELET COMMENTS ADDRESSSED - NOT FOR CONSTRUCTION	01/20/23	JTD

REVISION DESCRIPTION	DATE	BY
PRELIMINARY - NOT FOR CONSTRUCTION		

**PRELIMINARY
NOT FOR CONSTRUCTION**





DEVELOPMENT VARIANCE PERMIT DVP23-03

Pursuant to section 498 of the Local Government Act, R.S.B.C 2015 C.1 as amended:

1. This Development Variance Permit is issued to:

**0985470 B.C. LTD.
2240 JEFFS ROAD, NANAIMO, BC
V9S 5P7**

2. This Development Variance Permit applies to, and only to, those lands within the District of Ucluelet described below, and the buildings, structures, and other development thereon:

**LOT 16 DISTRICT LOT 281 CLAYOQUOT DISTRICT PLAN VIP76214 EXCEPT PART
IN PLANS VIP80735, VIP83067 AND VIP86140
PID: 025-812-823
(the "Land")**

3. The work authorized by this Permit may only be carried out:
 - a. in compliance with the requirements of the *District of Ucluelet Zoning Bylaw No. 1160, 2013*, and *Village of Ucluelet Subdivision Control Bylaw No. 521, 1989* except where specifically varied or supplemented by this development variance permit; and,
 - b. in compliance with all federal, provincial, and municipal statutes, regulations, and bylaws.
4. This Permit authorizes the following variances to *Village of Ucluelet Subdivision Control Bylaw No. 521, 1989*, to allow development of compact residential roads and services within a 14m dedicated highway proposed in the preliminary site servicing plans by Newcastle Engineering Ltd. dated January 30, 2023:
 - a. **vary schedule E section 1.3 to permit the width of dedicated internal road rights-of-way to be a minimum of 14m;**
 - b. **vary the following standards drawings:**
 - i. **Typical Road Sections Rural Road & Local Road drawing #18;**
 - ii. **Typical Section Collector Roadway drawing #19;**
 - iii. **Lane Detail drawing #20;**
 - iv. **Sidewalk Details drawing #24; and,**
 - v. **Utility Alignment drawing #25**

as shown on the plans attached as Schedule A.

5. The above variances are subject to the permit holder revising the preliminary site servicing plans and details, and providing additional information for review and approval by the District as follows prior to final subdivision approval:

- a. add root barrier to the Asphalt Pathway Detail on drawing 0370-038-04;
 - b. provide details of underground electrical and data utility layouts;
 - c. amend Typical Road Section on drawing 0370-038-04 to relocate underground hydro, cable and telephone utilities from beneath the asphalt pathway – provide details of a statutory right-of-way for the private utilities to run beneath the front edge of adjacent lots parallel to the public highway, if necessary;
 - d. provide a landscape plan and amend Typical Road Section, French Drain Detail and Roadside Ditch Detail on drawing 0370-038-04 to create vegetated boulevards as shown on the rezoning Land Use Concept plan attached as Schedule B;
 - e. provide a tree planting plan and details – including a statutory right-of-way if necessary to allow for street trees to be located on the front of adjacent lots parallel to the public highway - to achieve vegetated boulevards as shown on the rezoning Land Use Concept plan attached as Schedule B;
 - f. provide details of pathways and fencing park within park areas;
 - g. provide a lighting plan for streetlights conforming to current municipal standards including warm spectrum LED lamps;
 - h. provide details on the proposed ownership of water, sanitary sewer and storm drainage infrastructure under the common access driveway shown on drawing 0370-038-12, and details of a statutory right-of-way if these services are to be publicly owned and maintained;
 - i. provide additional detail demonstrating that the function of the storm drainage system will not cause downstream flooding or ecological degradation on adjacent public or private lands. If areas of stormwater retention in necessary on private lots within the Lot 16 development, provide details of proposed legal instrument to achieve the construction and ongoing maintenance to achieve the function of the stormwater system;
 - j. increase the width of the 1.5m asphalt walkway along the frontage of Matterson Drive to 2.5m, and extend the detached pathway to provide a continuous route to the corner of Victoria Road, to the east;
 - k. provide detail of the surface and load bearing capacity within the fire access lane adjacent to proposed Lot 24 shown on Williamson & Associates “proposed mixed residential subdivision concept drawing revision 1” dated June 29, 2022;
 - l. provide engineered details of proposed cut and fill areas, and any proposed retaining structures necessary to achieve final grades;
 - m. alternative to the proposed statutory right-of-way through the rear yards of lots 30 to 41, explore routing sewer connections to a sewer main on Road A; and,
 - n. confirm the engineering design speed and road horizontal and vertical geometry to the satisfaction of the Municipal Engineer.
6. The above variances are granted for the proposed initial subdivision and servicing of the Land as shown on Schedule A. Should the Land or portions of the Land be redeveloped at some future date, this Development Variance Permit shall cease to apply and the zoning and servicing standards in effect at the time shall apply.



7. Notice shall be filed in the Land Title Office under Section 503 of the Local Government Act, and upon such filing, the terms of this Permit or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
8. This Permit is NOT a Building Permit.

AUTHORIZING RESOLUTION passed by the Municipal Council on the day of , 2023.

ISSUED the day of , 2023.

Bruce Greig
Director of Community Planning

DRAFT



SCHEDULE A

Preliminary (50% Review) drawings Newcastle Engineering 01/30/23

Proposed Lot Layout Concept drawing Williamson & Assoc. Professional Surveyors 06/29/22

DRAFT



SCHEDULE B

Land Use Concept plan



Land Use Concept





**KOERS
& ASSOCIATES
ENGINEERING LTD.**
Consulting Engineers

PO BOX 790
194 MEMORIAL AVENUE
PARKSVILLE, BC V9P 2G8
Phone: (250) 248-3151
Fax: (250) 248-5362
www.koers-eng.com

March 20, 2023
0361-192-01

District of Ucluelet
P.O. Box 999
200 Main St
Ucluelet, BC V0R 3A0

Attention: Mr. Bruce Greig
Director of Planning

Re: Lot 16, VIP 76214 (Marine Drive)
Review of Preliminary (50% Review) Subdivision Design Drawings

As requested, we have carried out a review of preliminary design package of information provided to us for the proposed subdivision of Lot 16, VIP 76214 (on Marine Drive).

Below is the list of documents provided to us and are the basis of this review letter.

Description	Title & No. of Pages	Date	Author
Submission Letter	(3 pages)	Feb 3, 2023	Williamson & Associates Professional Surveyors
Stormwater Discharge Impact Review Letter	Review of Impact on "Stream 28" (7 pages)	Jan 31, 2023	Toth & Associates Environmental Services
Subdivision Design Dwgs (civil only)	0370-038-01 to 17, Rev 1 (50% Review) (17 Dwgs)	Jan 30, 2023	Newcastle Eng. Ltd.
Proposed Lot 1 (Apartment Building) Site Servicing Dwgs	0370-039-100 to 102, Rev 1 (50% Review) (3 Dwgs)	Jan 30, 2023	Newcastle Eng. Ltd.
Meeting Notes	District of Ucluelet & Developer Meeting (2 pages)	Nov 23, 2022	District of Ucluelet

We have been informed that a Preliminary Layout Review has not yet been issued by the District of Ucluelet. The preliminary design drawings have been submitted to District as part of the information provided by the developer in support of a Development Permit/Development Variance Permit application.

We have been informed that the intent of the preliminary (50% review) drawings is to show the overall servicing concept for the proposed development. As such, the key information presented on the drawings includes:

- the proposed location and diameter of water, sanitary sewer, and storm drainage infrastructure

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District of Ucluelet
Mr. Bruce Greig

- proposed location of lot service connections
- proposed typical road cross section
- proposed roadway french drain location and typical detail
- proposed roadside ditch location and typical detail
- proposed road centreline existing and proposed ground elevations profiles
- existing ground elevation profiles along the sanitary sewer mains in the proposed SRWs and the proposed park dedication areas
- proposed roadside parking areas
- proposed streetlight pole locations

Information not shown on the preliminary (50% review) drawings included:

- proposed slopes or invert elevations for water, sanitary and storm drainage infrastructure
- proposed third party utility (hydro/tel/cable) infrastructure
- proposed top of bank cut or toe of fill

Our scope of work was to review the preliminary design drawings for general compliance with the following documents:

- District of Ucluelet Subdivision Services Control Bylaw No. 521, Engineering Standards and Specifications, August 10, 1989
- MMCD Design Guidelines 2022
- MMCD Volumes II – General Conditions, Specifications and Standard Detail Drawings, 2019 Editions
- General good engineering practice

Our design review concentrated on the following three items:

- 1) Proposed road network
- 2) Overall servicing concept & SRWs
- 3) Proposed Apartment Building

Presented below is a brief discussion of each:

1 PROPOSED ROAD NETWORK

.1 ROAD ALLOWANCE WIDTH

The proposed road allowance width of 14 m (Road A and Road B) is less than the minimum requirement of 15 m for Minor Roads in Bylaw No. 521.

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KOERS & ASSOCIATES ENGINEERING LTD.



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District of Ucluelet
Mr. Bruce Greig

.2 ACCOMMODATING ALL UNDERGROUND UTILITIES

Additional information is required to confirm the underground third party utilities (Hydro/Tel/Cable) can be accommodated within the proposed 14 m wide road allowance or if Statutory Rights-of-Way will be necessary; such as for the installation of (and unobstructed areas surrounding) transformers and junction boxes as required by BCHydro.

.3 ROAD HORIZONTAL AND VERTICAL GEOMETRY

The District's Bylaw No. 521 notes road geometric design is to be in accordance with Manual of Geometric Design Standards for Canadian Roads and Street prepared by the Road and Transportation Association of Canada (RTAC). The steep terrain and the proposed conceptual layout of the site provides several design challenges and application of the RTAC standards would be very challenging. For this review, the more accommodating MMCD Design Guidelines, 2022, 6.19 Hillside Standards have been used for reference purposes. Our findings are as follows:

- The proposed road 'K' sag and crest curve values are less than the MMCD Design Guidelines, 2022 minimum recommended value of 4 for a Local Road (minimum design speed of 40 km/h):
 - for Road A they range from: 1.5 to 3.0.
 - for Road B they range from: 2.0 to 3.34.
- The proposed road centreline radii are less than the MMCD Design Guidelines, 2022 minimum recommended value of 60 m for a Local Road (minimum design speed of 40 km/h):
 - for Road A they are: 5.5 m, 14.5 m, and 17.5 m.
 - for Road B they are: 14.75 m and 16.0 m
- The proposed road grades (slopes) are within the MMCD Design Guidelines, 2022 recommended minimum and maximum design range of 0.5 % to 12% (which are the same requirements in Bylaw 521).
 - for Road A they are: 0.5% and 12%
 - for Road B they range from 0.5% to 8.64%.

.4 ROAD A CUTS & FILLS

Cut. A vertical cut of up to 4 m is proposed to connect to Marine Drive. The top of cut bank will extend into adjacent properties with a cut height of up to:

- 4 m into Lot 1 and Lot 3
- 3 m into Lot 9 and the Common Driveway Access

Fill. A depth of fill of up to 2.8 m is proposed in front of Lot 15 and Lot 36. The roadway fill will extend into these lots as well as into the adjacent Lot 16, Lot 35 and the proposed parkland area between Lot 36 and 37.

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District of Ucluelet
Mr. Bruce Greig

.5 ROAD CROSS SECTION

We are not aware of a standard road cross section design standard in the Bylaw No. 521. The proposed cross section consists of a pavement width of 6.5 m with 1 m gravel shoulders for a total width of 8.5 m constructed within a 14 m wide road allowance. For comparison purposes below is a summary of road widths from other subdivision projects in the District that we are aware of:

**Comparison of Road Allowance and Travel Area Widths of
More Recent District of Ucluelet Subdivisions**

Year Built	Street Name	Road Allowance Width, m	Travel Area Width, m		
			Pavement Surface	Gravel Shoulders	Total
2007	Rainforest Dr	20	7.2	2	9.2
2008	Edwards Pl	20	7.2	2	9.2
2009	Lorne White Pl	15	6.5	2	8.5
2010	Odyssey Lane	20	5	2	7
2010	Cedar Grove Pl	15	6.5	2	8.5
2023	Forbes Rd Extension	20	7.2	2	9.5
-	This Proposed Development	14	6.5	2	8.5

2 OVERALL SERVICING CONCEPT & SRWs

.1 STORM DRAINAGE

Additional information is required to confirm the ability to use drainage ditches along Road A and Road B per the typical ditch and road cross section details. This would include:

- Minimum Building Floor Elevation for each lot
- Storm drainage service connection invert elevation at property line/inspection chamber
- Culvert inlet and outlet invert elevations

.2 SANITARY SEWER

SRWs

Installation of a gravity sanitary sewer main is proposed in the rear yard of Lot 1, and Lots 30 to 41. The submission covering letter states that locating this gravity main within the proposed 10 m wide Parkland dedication behind these lots may not be acceptable to neighbouring landowners along Victoria Road. We note that the District has been removing existing sanitary and storm drainage infrastructure from side and rear yard SRW's because of the difficulty and cost in accessing and maintaining the infrastructure. We recommend

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the same approach be applied to this proposed development and the use of an SRW be avoided. A potential alternate approach could be to modify the sanitary collection system as follows :

- Install a new gravity main from proposed SMH 6, northeast and connect to the existing SMH on Victoria Rd.
- Remove the proposed gravity main in the rear yard of Lots 30 to 41.
- Require Lots 31 to 35 and 38 to 41 to pump to the sanitary sewer on Road A.

.3 WATER

The proposed 200 mm dia. watermain through the development and the upgrading of the watermain along Victoria Rd to 200 mm dia. is consistent with Option 3 of Technical Memorandum No. 1, Lot 16 Marine Drive, Water System Review dated October 9, 2019 by Koers & Associates Engineering Ltd. It is assumed the off-site work of installation of a check valve at the intersection of Matterson Drive and Victoria Road as recommended with Option 3 will also be implemented to improve fire flow availability for the development.

.4 COMMON ACCESS DRIVEWAY

Additional information is required regarding ownership of the proposed water, sanitary sewer, and storm drainage infrastructure within this area. Specifically, if the water main and the sanitary forcemain are to be owned and maintained by the District or by the owners of the properties they would service.

We assume the storm drain main would be owned and maintained by the District. Confirmation is required on the width of the SRW that would be required.

Additional information is required on the location of proposed underground hydro/tel/cable service and the separation distances (horizontal and vertical) from other proposed utilities.

3 PROPOSED APARTMENT BUILDING

.1 DRIVEWAY ACCESSES

Three driveway accesses are proposed; one from Matterson Drive and two from proposed Road A. Typically, one or a maximum of two entrances would be provided for a development of this size.

.2 WATER SERVICE

Water service be metered and the meter will need to be sized to handle the delivery of fire flows from the proposed on-site fire hydrant.

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.3 STORM DRAIN SERVICE

A storm drainage discharge to Marine Drive (next to the proposed Road A and parallel to the proposed storm drainage system proposed along Road A) is proposed. Consideration should be given to the proposed storm drain discharging to the Road A drainage system and not to Marine Drive.

.4 MATTERSON DRIVE WALKWAY

The proposed walkway along Matterson Drive should be developed along the entire frontage of the property, including the proposed parkland, and consideration given to it's development up to the Victoria Road intersection.

We trust this information meets with your approval and is sufficient for your needs at this time. Do not hesitate to contact us should you have any questions.

Yours truly,

KOERS & ASSOCIATES ENGINEERING LTD.

Chris Holmes, P.Eng.
Project Engineer

Chris Downey, P.Eng.
Project Manager

Permit to Practise No. 1001658

KOERS & ASSOCIATES ENGINEERING LTD.





Area A - Apartment Concept

SITE AREA: 0.58HECTARES
 PROPOSED USE: Multi-Unit Residential
 PROPOSED ZONING: New Zone

Area B - Single Family Residential Lots

NUMBER OF LOTS: 7 Lots - Average 967sq.m.
 PROPOSED USE: Single Family Residential
 PROPOSED ZONING: R-1 Zone

Area C - Adaptive Small Lot Residential

NUMBER OF LOTS: 18 Lots - Average 420sq.m.
 PROPOSED USE: Small Lot Residential
 PROPOSED ZONING: New Zone

Area F - Neighbourhood Park / Greenway

SITE AREA: 0.13HECTARES
 PROPOSED USE: Greenway / Program (District)
 PROPOSED ZONING: Public Park

Area E - Townhome Concept

SITE AREA: 1.42HECTARES
 PROPOSED USE: Ground Oriented Multi-Unit
 PROPOSED ZONING: New Zone

Area D - Small Lot Residential

NUMBER OF LOTS: 12 Lots - Average 420sq.m.
 PROPOSED USE: Small Lot Residential
 PROPOSED ZONING: R-4 Zone

1. Application

Michele Buick, Legal Assistant
HEATH LAW LLP
200-1808 Bowen Road
Nanaimo BC V9S 5W4
250-824-2080

File No. 54508-2
 Tel: (250) 753-2202
 Type: Covenant

2. Description of Land

PID/Plan Number	Legal Description
025-812-823	LOT 16 DISTRICT LOT 281 CLAYOQUOT DISTRICT PLAN VIP76214 EXCEPT PART IN PLANS VIP80735, VIP83067 AND VIP86140

3. Nature of Interest

Type	Number	Additional Information
COVENANT		Section 219 Land Title Act

4. Terms

Part 2 of this instrument consists of:
(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

0985470 B.C. LTD., NO.BC0985470

6. Transferee(s)

DISTRICT OF UCLUELET
200 MAIN STREET
UCLUELET BC V0R 3A0

7. Additional or Modified Terms

8. Execution(s)

This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature	Execution Date	Transferor Signature(s)
<p>_____</p> <p>BRIAN J. SENINI Barrister & Solicitor 200 - 1808 BOWEN ROAD NANAIMO BC V9S 5W4</p>	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <p>YYYY-MM-DD</p> <p>2021-10-21</p> </div>	<p>0985470 B.C. LTD. By their Authorized Signatory</p> <p>_____</p> <p>LANCE MCNABB</p>

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature	Execution Date	Transferor Signature(s)
<p>_____</p> <p>JOSEPH ROTENBERG Commissioner for Taking Affidavits for British Columbia 200 MAIN STREET UCLUELET BC V0R 3A0</p>	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <p>YYYY-MM-DD</p> <p>2021-10-26</p> </div>	<p>DISTRICT OF UCLUELET By their Authorized Signatory</p> <p>_____</p> <p>Name: MAYCO NOEL</p>

Name: DUANE LAWRENCE

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

Brian James
Senini IAT7J9

Digitally signed by
Brian James Senini IAT7J9
Date: 2021-10-27
09:16:32 -07:00

TERMS OF INSTRUMENT – PART 2

COVENANT (Section 219 *Land Title Act*)

THIS COVENANT dated for reference the 19th day of October, 2021 is

BETWEEN:

0985470 B.C. LTD.
2240 JEFFS ROAD
NANAIMO, BC
V9S 5P7

(the "Grantor")

AND:

DISTRICT OF UCLUELET
Box 999
200 Main Street
Ucluelet BC V0R 3A0

(the "District")

WHEREAS:

- A. The Grantor is the registered owner of land located at Marine Drive and Matterson Drive in Ucluelet, British Columbia and more particularly described as:

LOT 16 DISTRICT LOT 281 CLAYOQUOT DISTRICT PLAN VIP76214 EXCEPT PART
IN PLANS VIP80735, VIP83067 AND VIP86140
PID: 025-812-823

(the "Land");

- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the District, in respect of the use of land or buildings, or the building on land;
- C. The Grantor has applied to the District for a rezoning of the Land to permit residential development of the Land, and in connection with the Grantor's application for rezoning the Grantor has offered grant this Covenant to the District; and

- D. The Grantor wishes to grant this Covenant to the District to confirm the proposed development will be generally in accordance with the plans provided in support of the Grantor's rezoning application, and that it will not subdivide or develop the Land except on the terms and conditions agreed to by the parties and set out in this Covenant.

THIS COVENANT is evidence that in consideration of the payment of TWO DOLLARS (\$2.00) by the District to the Grantor, and other good and valuable consideration (the receipt and sufficiency of which are acknowledged by the parties), the Grantor covenants and agrees with the District, in accordance with section 219 of the *Land Title Act*, as follows:

Definitions

2. In this Agreement:

- (a) "Development Plan" means the plan attached to this agreement as Schedule A;
- (b) "Housing Agreement" means an agreement in the form authorized by the District's Housing Agreement Bylaw No. 1297;
- (c) "Lot A" means the area labelled "Lot A (Apartment Site)" on the Development Plan, and includes a separate legal parcel created by subdivision of the Land and having boundaries generally in accordance with that area;
- (d) "Lot B" means the area labelled "Lot B (Townhouse Site)" on the Development Plan, and includes a separate legal parcel created by subdivision of the Land and having boundaries generally in accordance with that area;
- (e) "Manager" means the Corporate Officer appointed under Section 148 of the Community Charter; and
- (f) a reference to the Land, as defined in recital "A", includes any lot, block, parcel or other area into which the Land may be subdivided.

Restrictions on Subdivision, Use and Development of the Land

3. The Land must not be altered and the Owner must not start the construction of any buildings or structures on the Land unless the Owner has first:
- (a) Dedicated as Park the following areas of the Land:
 - (i) a 10-metre wide corridor immediately adjacent to the eastern boundary of the Land, generally as shown hatched and labeled "10m Greenbelt Park Dedication" on the Development Plan;

- (ii) at least 1,300 square metres on the Western side of the Land, generally as shown hatched and marked "1300 m² park dedication" on the Development Plan, with the final boundaries of the area to be approved by the Manager;
 - (iii) at least 280 square metres for use as a children's play area, the location and configuration of which shall be to the satisfaction of the Manager; and,
- (b) Registered as a charge on the title to the Land a covenant under s. 219 of the *Land Title Act* preserving as greenspace a 10-metre wide area of the Land (the "Covenant Area") immediately adjacent to Marine Drive, the terms of which covenant must ensure retention of existing natural vegetation and, without limiting the requirement to retain vegetation, must prohibit any part of the Covenant Area from being used or developed as a driveway or to provide any other form of vehicle access to the Land.
4. Except to dedicate land as Park under section 2 of this Covenant, the Land must not be subdivided unless:
- (a) the subdivision creates a parcel having boundaries generally in accordance with, and the Housing Agreement is registered as a notice and, if required by the Manager, a charge on title to Lot A, and a covenant prohibiting any further subdivision of or any building on Lot A is registered as a charge on title;
 - (b) before or together with the deposit of a subdivision plan that creates any parcel intended for a single-family dwelling unit, the Owner transfers ownership to the District, in fee simple, of at least one such parcel, and pays \$1,000 to the District for every other such parcel created by the plan;
 - (c) together with the deposit of a subdivision plan that creates any parcel intended for a single-family dwelling unit, the owner registers a covenant on title to every parcel that is not transferred to the District under s. 4(b) of this Agreement:
 - (i) prohibiting the separate sale of those parcels until the Owner of Lot A has received a building permit for the construction of a Rental Apartment Building on Lot A;
 - (ii) prohibiting residential use or occupancy of those parcels until the Owner of Lot A has substantially completed construction of a Rental Apartment Building on Lot A;
 - (d) before or together with the deposit of any subdivision plan that creates a parcel intended for multi-unit residential buildings, the Owner registers a charge on title

to that parcel prohibiting the construction of any such building unless the owner pays \$1,000 to the District for each dwelling unit to be constructed on the parcel; and,

- (e) the subdivision plan dedicates a highway connecting Marine Drive to Victoria Drive, in a location and configuration satisfactory to the Manager in his or her sole discretion, and the Owner constructs a road within that dedicated highway, to the District's standards (unless varied by Development Variance Permit or Development Permit issued by the District).
5. Vehicle access to and from the area of the Land labelled "Lot B (Townhouse Site)" on the Development Plan may only be provided in the location and configuration shown as "Road Connection" on the Development Plan.

Amendments to Development Plan

6. The Grantor may request, and the Manager may, in his or her sole discretion approve, minor deviations from the Development Plan, provided that any such requests or approvals must be made in writing.

Discharge

7. If the District does not adopt the bylaw necessary for the rezoning mentioned in recital C by November 30, 2021, this agreement shall be of not further force and effect and the District shall, at the Grantors request, sign a discharge of this Covenant and return it to the Grantor for registration at the Grantor's expense.
8. The District further agrees that if the Grantor:
- (a) completes the development of the land in accordance with the Development Plan, and in accordance with the terms of this Agreement, including without limitation by the registration of the further covenants and notices required by this agreement; and,
 - (b) delivers to the District a registrable discharge of this Covenant (but no others) from the title to the Land,

the District will execute the discharge, and return the executed discharge to the Grantor, and the Grantor may apply to register it in the Victoria Land Title Office.

Subject to Bylaws

9. This Covenant does not relieve the Grantor in any way from complying with all applicable bylaws of the District or other enactments applicable to the Land.

Inspections

10. The District and any of its officers and employees may enter on the Land at all reasonable times, to inspect the Land for the purpose of ascertaining compliance with this Covenant.

Amendment

11. This Covenant may be altered or amended only by an agreement in writing signed by the parties.

No Public Law Duty

12. Whenever in this Covenant the District is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the District may do so in accordance with the contractual provisions of this Covenant only and will not be bound by any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise.

No Obligations on District

13. The rights given to the District by this Covenant are permissive only and nothing in this Covenant:
- (a) imposes any duty of care or other legal duty of any kind on the District to the Grantor or to anyone else;
 - (b) obliges the District to enforce this Covenant, which is a policy matter within the sole discretion of the District; or
 - (c) obliges the District to perform any act, or to incur any expense for any of the purposes set out in this Covenant.

No Effect on Laws or Powers

14. This Covenant does not,
- (a) affect or limit the discretion, rights or powers of the District under any enactment or at common law, including in relation to the use or subdivision of the Land;

- (b) affect or limit any law or enactment relating to the use or subdivision of the Land;
or
- (c) relieve the Grantor from complying with any law or enactment, including in relation to the use or subdivision of the Land.

District's Right to Equitable Relief

- 15. The Grantor agree that the District is entitled to obtain an order for specific performance or a prohibitory or mandatory injunction in respect of any breach by the Grantor of this Covenant.

Covenant Runs With the Land

- 16. Every obligation and covenant of the Grantor in this Covenant constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Land and this Covenant burdens the Land and runs with it and binds the successors in title to the Land. For certainty, unless expressly stated otherwise, the term "Grantor" refers to the current and each future owner of the Land. This Covenant burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

- 17. The Grantor agrees to do everything necessary, at the Grantor's expense, to ensure that this Covenant is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Covenant.

Waiver

- 18. An alleged waiver by the District of any breach of this Covenant by the Grantor is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver by the District of a breach by the Grantor of this Covenant does not operate as a waiver of any other breach of this Covenant.

Notice

- 19. Any notice to be given pursuant to this Covenant must be in writing and must be delivered personally or sent by prepaid mail. The addresses of the parties for the purpose of notice are the addresses on the first page of this Covenant and in the case of any subsequent owner, the address will be the address shown on the title to the Land in the Land Title Office.

If notice is delivered personally, it may be left at the relevant address in the same manner as ordinary mail is left by Canada Post and is to be deemed given when delivered. If notice is sent by mail, it is to be deemed given 3 days after mailing by deposit at a Canada Post mailing point or office. In the case of any strike or other event causing disruption of ordinary Canada Post operations, a party giving notice for the purposes of this Covenant must do so by delivery as provided in this section.

Either party may at any time give notice in writing to the other of any change of address and from and after the receipt of notice the new address is deemed to be the address of such party for giving notice.

Enurement

20. This Covenant binds the parties to it and their respective corporate successors, heirs, executors, administrators and personal representatives.

Joint and Several

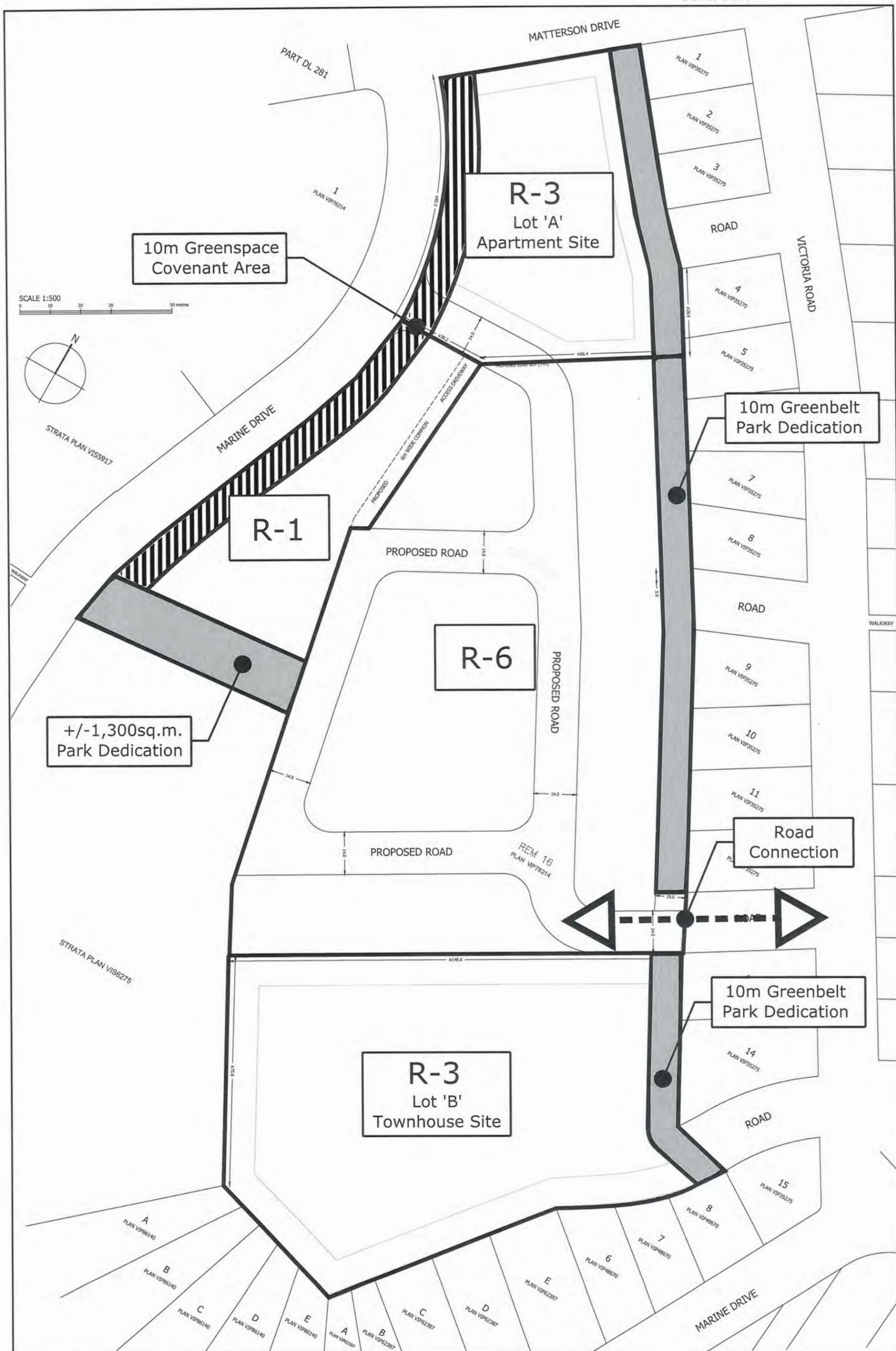
21. If at any time more than one person (as defined in the *Interpretation Act* (British Columbia) owns the Land, each of those persons will be jointly and severally liable for all of the obligations of the Grantor under this Covenant.

Further Acts

22. The Grantor must do everything reasonably necessary to give effect to the intent of this Covenant, including execution of further instruments.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Covenant.

SCHEDULE A



1. DESIGN

1.1 DESIGN STANDARDS

All roads, lanes, boulevards, sidewalks shall be designed in accordance with the latest edition of the "Manual of Geometric Design Standards for Canadian Roads and Streets" as prepared by the Roads and Transportation Association of Canada or as defined in these specifications.

1.2 STREET GRADES

The minimum longitudinal gutter grade shall not be less than 0.5%. The maximum longitudinal grade for a local street shall not exceed 12%. Minimum transverse pavement slope shall be 2% from centreline to edge of pavement. All other horizontal and vertical alignment shall be in accordance with the Roads and Transportation Association of Canada Standards.

1.3 WIDTH OF RIGHT-OF-WAYS

The width of any right-of-ways shall be adequate to support the roadway, stabilize and drain the backslopes and accommodate all underground utilities. Generally, the width of all roads within the Village shall be:

1.3.1 Major Roads

The right-of-way width of a major road as determined by the Village shall be a minimum of 20 m.

1.3.2 Minor Roads

The right-of-way width for a minor road shall be a minimum of 15 m.

1.3.3 Cul-de-Sacs

The minimum radius for the right of way of a cul-de-sac shall be 15 m.

Road classification will be at the discretion of the Village.

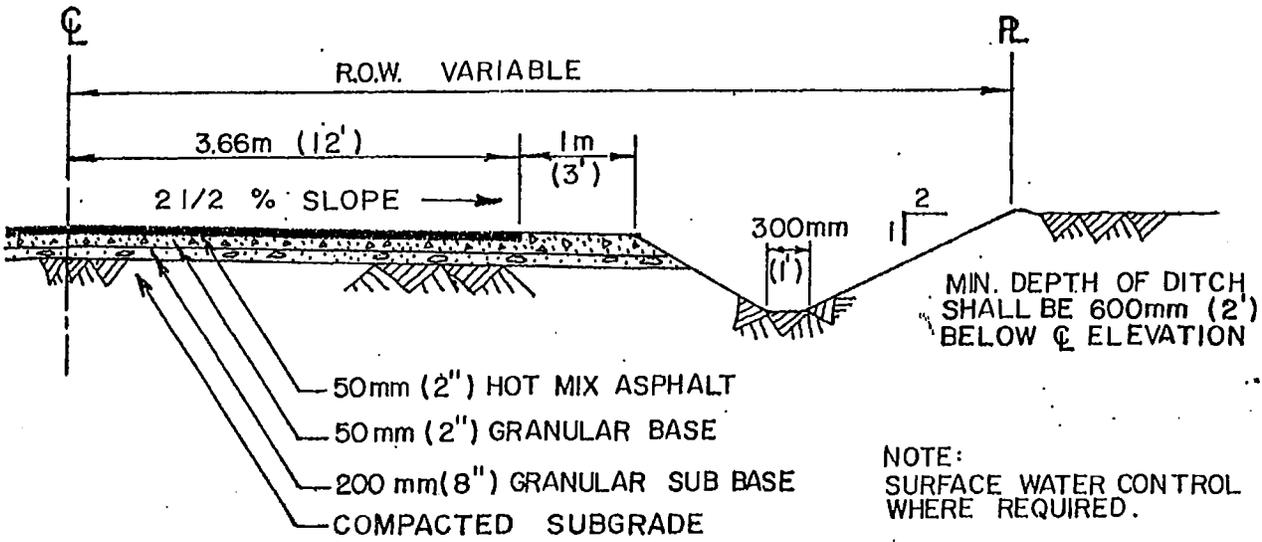
2. CONSTRUCTION OF GRANULAR SUB-BASE AND BASE COURSE

2.1 GENERAL

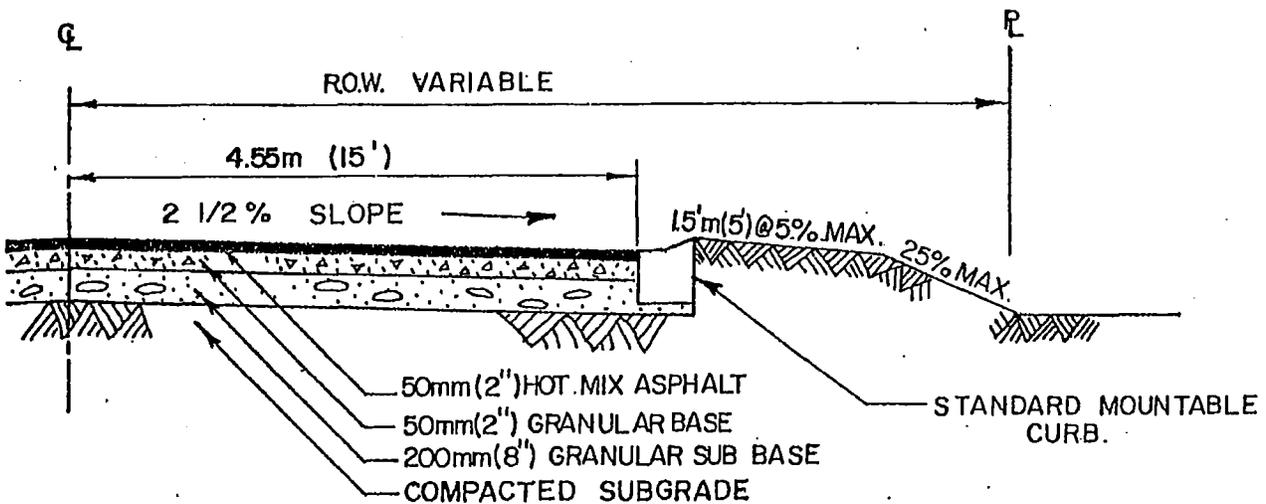
This work shall consist of sub-grade preparation including correction of unstable sub-grade sections supply of gravel or processed aggregates, hauling, placing and compacting the sub-base material, shaping to cross-section and profile all in accordance with these specifications and plans.

No sub-base gravel shall be placed on the sub-grade surface until the latter has been approved by the Village.

...1.



TYPICAL SECTION - RURAL ROAD



TYPICAL SECTION - LOCAL ROAD

CORPORATION of the VILLAGE of UCLUELET

DATE:
FEB. 20, 1989

SCALE:
N. T.S.

DRAWN BY:
L. B.

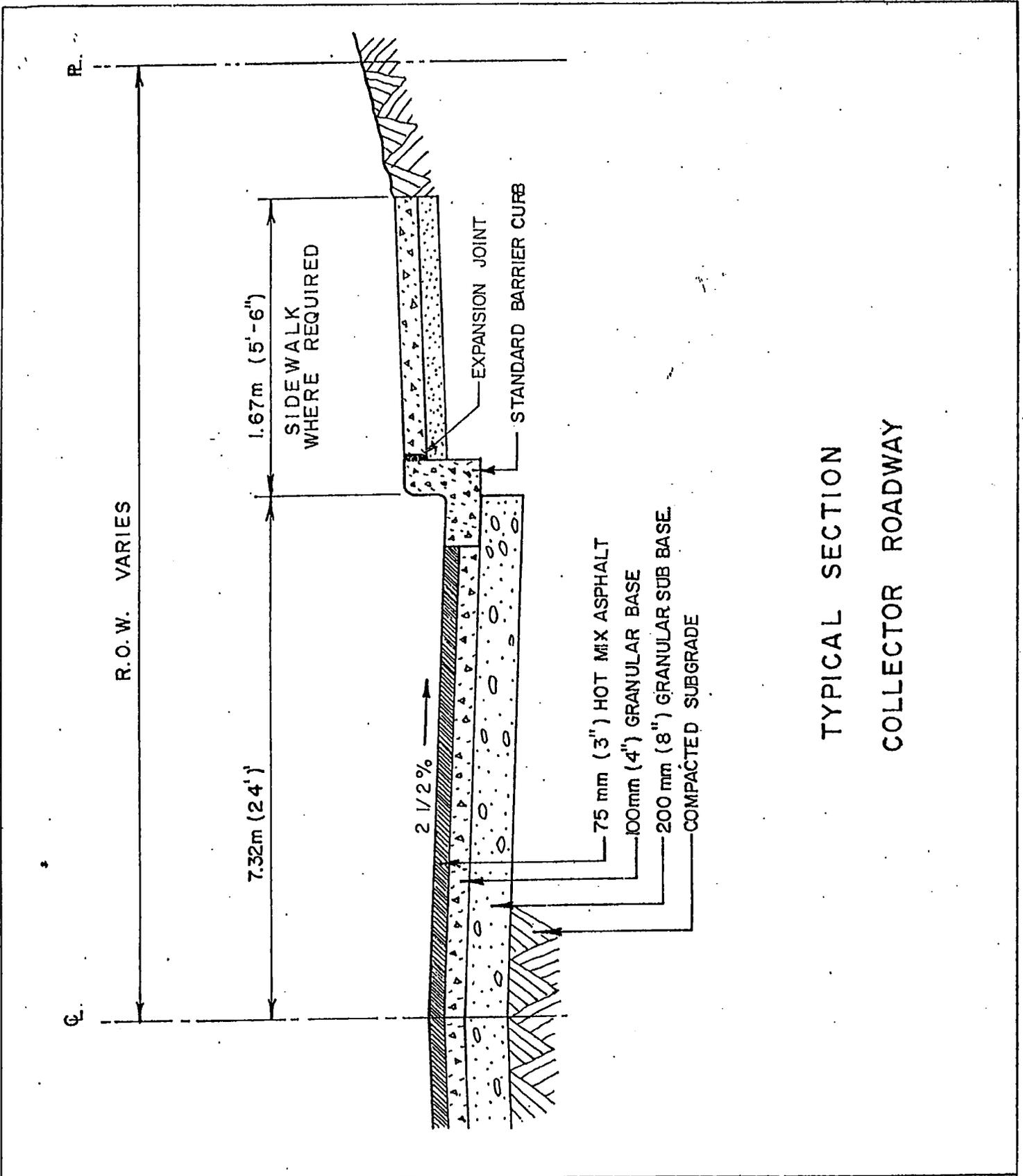
APPROVED BY:

DRAWING NO.

18/

TYPICAL ROAD SECTIONS
RURAL ROAD & LOCAL ROAD

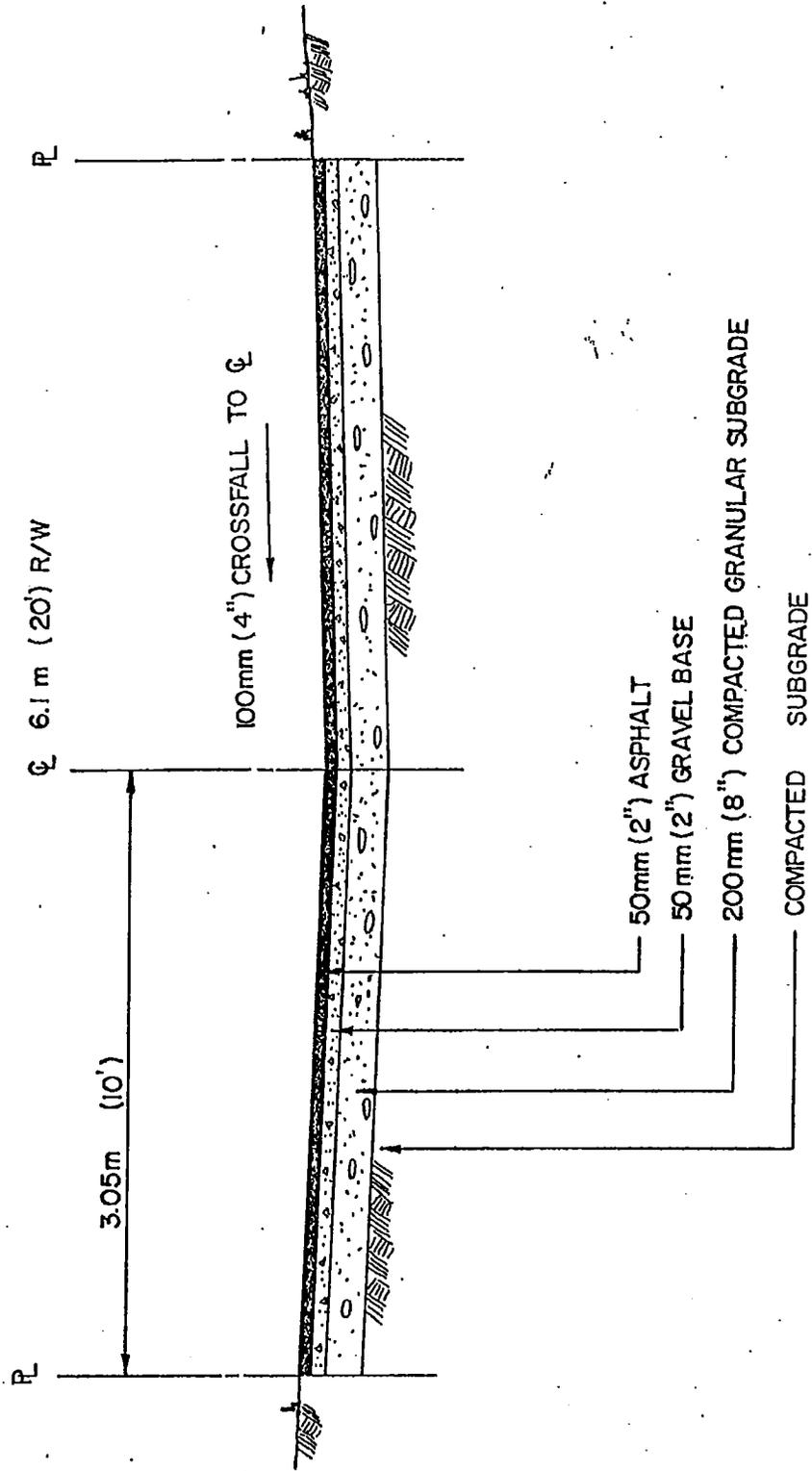
DVP for Subdivision Servicing - Lot 16 Marine Drive / 449 Matterson Drive...



TYPICAL SECTION
COLLECTOR ROADWAY

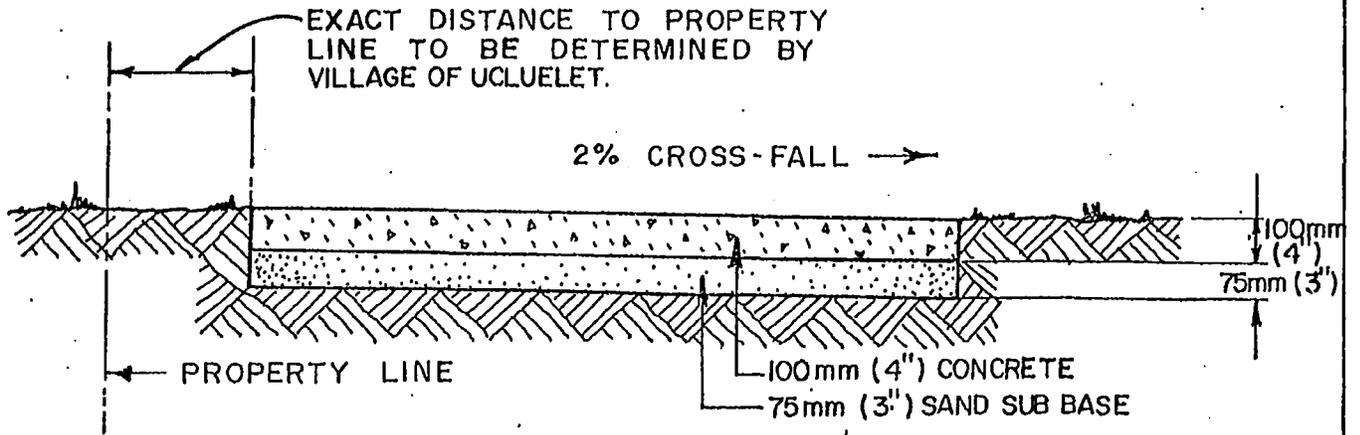
CORPORATION of the VILLAGE of UCLUELET

DATE: FEB. 20, 1989	SCALE: N.T.S.	DRAWN BY: LB.	TYPICAL SECTION COLLECTOR ROADWAY
APPROVED BY:	DRAWING NO. 19		

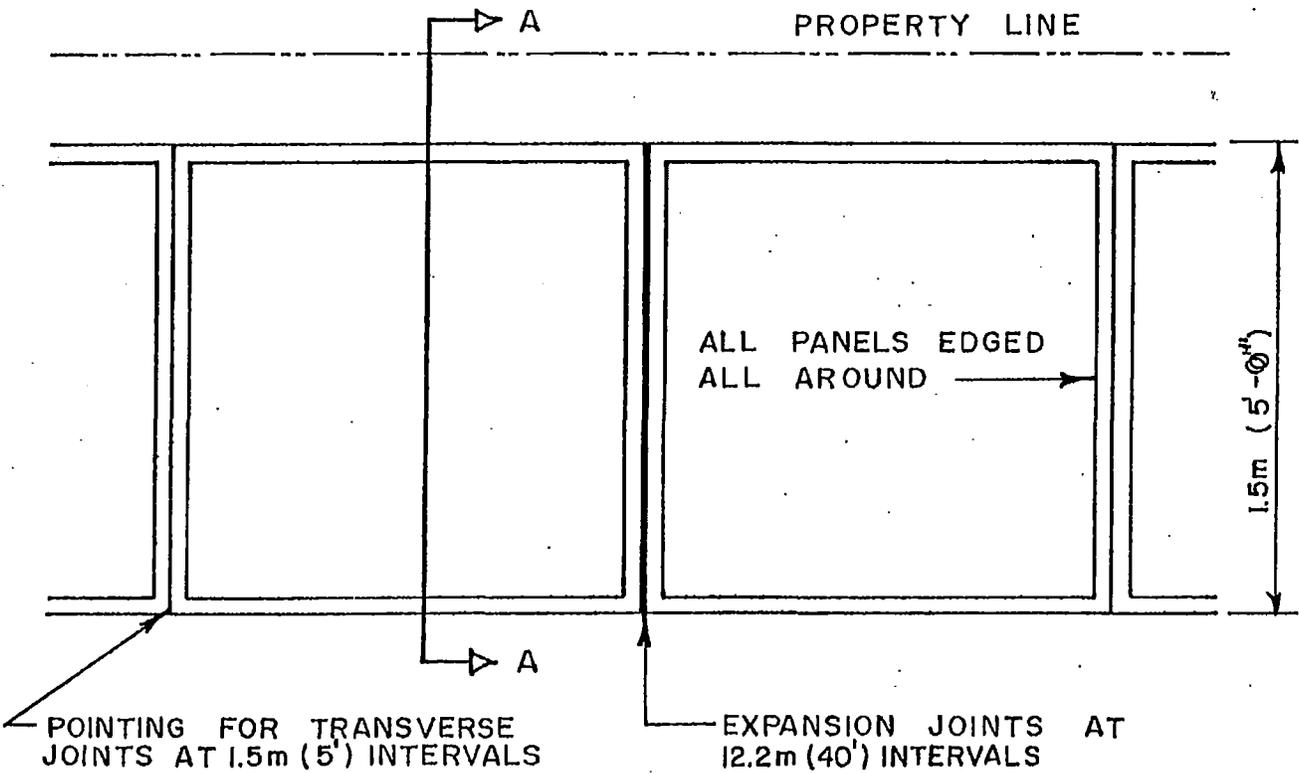


CORPORATION of the VILLAGE of UCLUELET

DATE: FEB. 20, 1989	SCALE: N. T. S.	DRAWN BY: S. W.	LANE DETAIL
APPROVED BY:	DRAWING NO. 20		



SECTION A - A



PLAN OF SIDEWALK

CORPORATION of the VILLAGE of UCLUELET

DATE:
FEB. 20, 1989

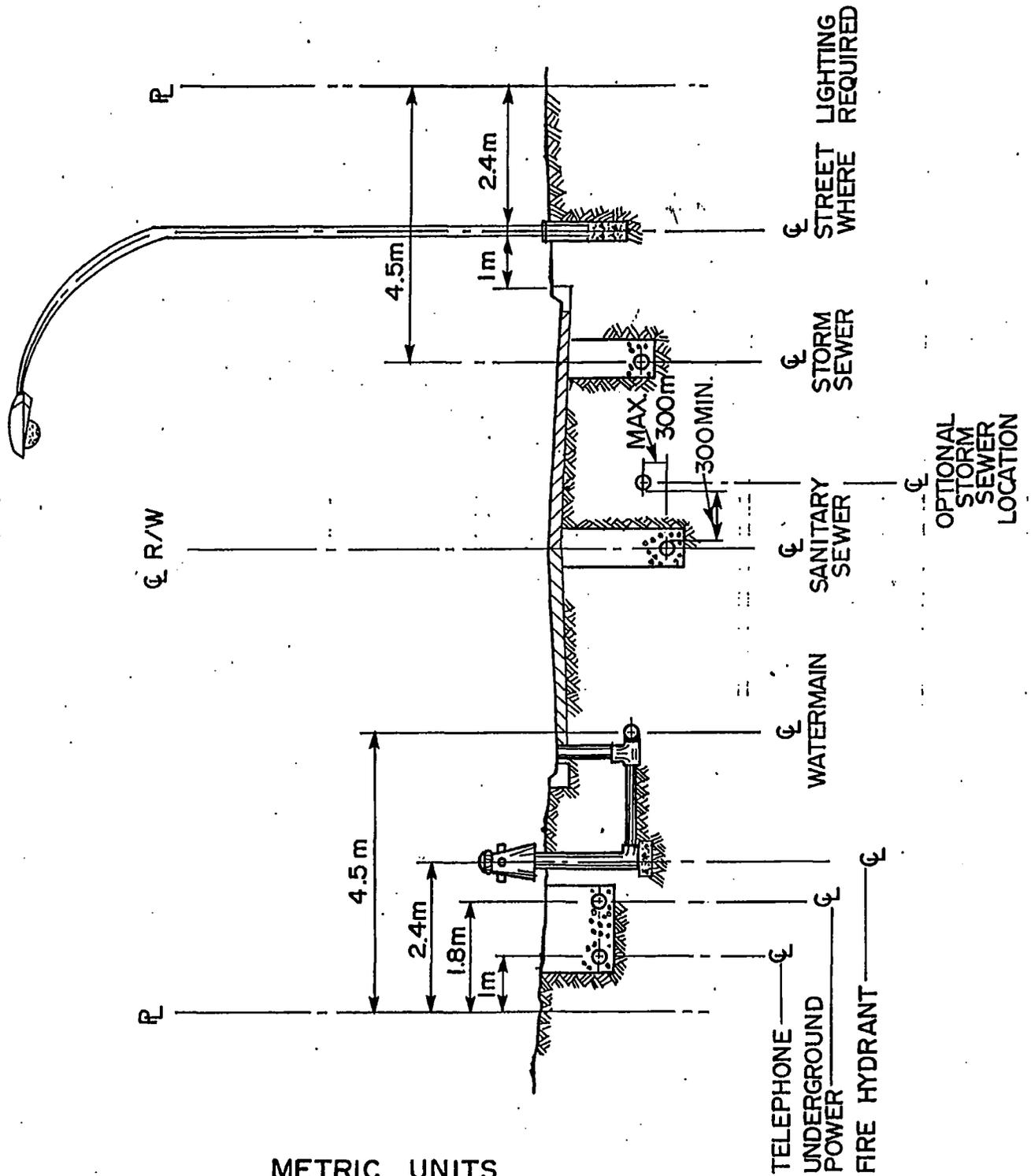
SCALE:
N. T. S.

DRAWN BY:
LB

APPROVED BY:

DRAWING NO. 24

SIDEWALK DETAILS



METRIC UNITS

CORPORATION of the VILLAGE of UCLUELET

DATE: FEB. 20, 1989	SCALE: N.T.S.	DRAWN BY: U.K.	UTILITY ALIGNMENT 15 m R.O.W.
APPROVED BY:		DRAWING NO: 191 - 21	
		25	



REPORT TO COUNCIL

Council Meeting: March 28, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF COMMUNITY PLANNING **FILE NO:** 3360-20-RZ20-07

SUBJECT: 316 REEF POINT ROAD - STATUTORY RIGHT-OF-WAY **REPORT NO:** 23- 40

ATTACHMENT(S): APPENDIX A – S.219 COVENANT CA9319924

RECOMMENDATION:

THAT Council direct staff that, despite the restrictions agreed to by the landowner in covenant CA9319924, occupancy permits may be granted for the new buildings at The Cabins at Terrace Beach ahead of consolidating “the Lodge” property and registration of a statutory right-of-way for the section of proposed public trail crossing Lot 37, located at 316 Reef Point Road.

BACKGROUND:

In August of 2021, development was approved on a number of properties owned and operated as The Cabins at Terrace Beach. On August 21, 2021, the *District of Ucluelet Zoning Amendment Bylaw No. 1282, 2020*, was adopted. A condition of granting zoning approval was that a section 219 restrictive covenant was registered on the titles of the properties to ensure a number of conditions were met as the development proceeds (see **Appendix “A”**). Note the section of pathway discussed in this report appears on the development plan attached to the covenant which crosses “the Lodge” consolidated parcel.

The sequence of steps in the development approvals process for the Cabins expansion has been as follows:

1. First and Second Reading of:
 - a. OCP Amendment Bylaw No. 1281
 - b. Zoning Amendment Bylaw No. 1282
2. First three readings of:
 - a. Housing Agreement Bylaw No. 1283
3. Public Hearing for input on:
 - a. OCP Amendment Bylaw No. 1281
 - b. Zoning Amendment Bylaw No. 1282
 - c. Variances in DVP20-06
4. Third Readings, Adoption or Approval of:
 - a. Third reading to OCP Amendment Bylaw No. 1281
 - b. Third reading to Zoning Amendment Bylaw No. 1282

- c. Adoption of Housing Agreement Bylaw No. 1283
- d. Approval of DVP for the Lodge property.
5. Before adoption of the Zoning and OCP amendment Bylaws the applicant would need to:
 - a. register a restrictive covenant to ensure:
 - i. that, prior to obtaining an occupancy permit for the proposed new cabins, the subdivision to consolidate the lots and resolve the parcel boundaries will have been registered (note this would allow for building permits to be issued while the subdivision process is underway); and,
 - ii. that the development and use of the Lodge and Staff Housing will conform to the plans presented;
 - b. register Section 218 Statutory Rights-of-Way to allow for construction and maintenance of the public access trails by the District, as proposed on the submitted plans.
 - c. execute the Housing Agreement for the staff housing units.
6. Adoption of OCP and Zoning amendment bylaws;
7. Following notification and subject to public input, approval of DVP for the Cabins property;
8. Approval of a DP for the proposed new cabins;
9. Application for building permits for cabins;
10. Cabins construction;
11. Registration of subdivision; and,
12. Occupancy of cabins.



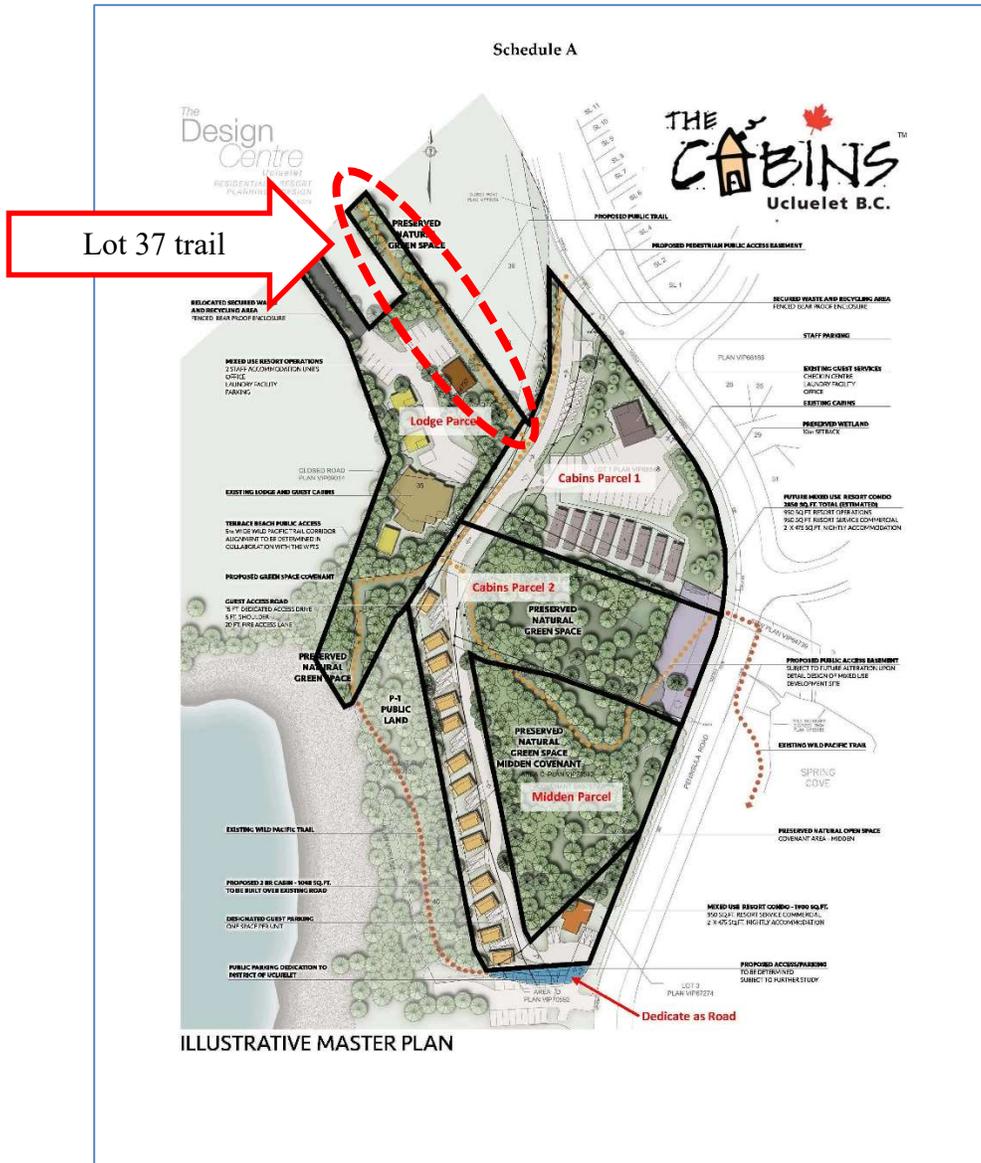
We are here

Discussion:

Construction of the cabins is well underway. The owners are preparing to register the subdivision plans to consolidate the parcels, and provide the statutory rights-of-way, as agreed to in the restrictive covenant.

Since the rezoning of Lots 35 and 37 was approved, neighbours brought a court challenge against the owners for non-compliance with a building scheme that was registered on all titles of properties in the Reef Point neighbourhood by the developer at the time of subdivision. The judge supported the court action, declaring that Lot 37 should be used for single-family residential purposes like other lots under the building scheme. The owners' plans for using Lot 37 to create staff housing and a laundry facility are being re-considered. At this point in time, consolidation of "the Lodge" property and registration of a statutory right-of-way for the section of pedestrian public trail that would cross Lot 37 is proposed to be deferred.

The trail section that would be deferred is highlighted in Figure 1.



(Figure 1: trail section across Lot 37)

The pertinent sections of the restrictive covenant are highlighted in the excerpt below:

"The Grantor will not use or occupy any residential or tourist accommodation building on the area of the Land marked "Cabins Parcel 2" on the Development Plans, nor request any occupancy permit from the District in respect of any such building on the Land, until and unless:

- (a) *The parcels comprising the Land have been subdivided, or consolidated, or both, such that the configuration of the parcel boundaries is in accordance with Development Plans;*
- (b) *the Grantor, at its sole cost, has registered as a charge against the title to the Land, a statutory Right of Way with a minimum width of 5m on terms satisfactory to the District's Manager of Planning authorizing construction*

and maintenance of pedestrian trails, and public access to and through all areas of the Land shown in dashed lines and labelled "Terrace Beach Public Access", "Proposed Pedestrian Public Access", "Proposed Public Access Easement", or "Proposed Public Trail" on the Development Plans;

- (c) *The Grantor has transferred title to the Yuułuʔiłʔatḥ Government - Ucluelet First Nation (UFN), subject only to this Covenant, and such other encumbrances as may be approved by the UFN in its sole discretion, of the area of the Land outlined in heavy black and labelled "Midden Parcel" on the Development Plans;*
- (d) *The Grantor, at its sole cost, has registered as a charge against the title of the new "Cabins Parcel 1" an easement in favour of "Cabins Parcel 2", both as shown on the Development Plans, for vehicle access in the area labelled as "guest access road";*
- (e) *The Grantor, at its sole cost, has registered as a charge against the title to the Land, a covenant restricting the use of the are of the Land located within the proposed "Cabin Parcel 2" and labelled as "Preserved Natural Green Space" on the Development Plans as green space, and prohibiting the no removal of trees or other vegetation (except to remove a hazard), any grading, disturbance, construction or alteration of that area of the Land, except as reasonably required for the development of public pedestrian trails as authorized by the statutory Right of Way in 4(b);*
- (f) *The Grantor has dedicated as highway the area shaded in blue and labelled as "Public Parking Dedication to District of Ucluelet" on the Development Plan.*

Amendments to Development Plans

5. *The Grantor may request, and the District's Manager of Planning may, in his or her sole discretion approve, minor deviations from the Development Plan(s), provided that any such requests or approvals must be made in writing."*

Granting occupancy of the cabins prior to consolidation of "the Lodge" portion and registration of a section of the promised statutory right-of-way for a public pathway is not a "minor deviation" that could be authorised by staff. Therefore, a Council resolution is being sought, as recommended at the outset of this report, to enable the use of the cabins to proceed. All other segments of the pathway SRW would be registered, and all other conditions of the covenant would need to be satisfied. The recommended Council motion would enable the section of SRW crossing Lot 37 to be delayed until the owners have settled on an alternative plan for their land, or the District has fully reassessed the role of this segment of trail.



Land Title Act
Charge
 General Instrument – Part 1

VICTORIA LAND TITLE OFFICE
 AUG 30 2021 16:25:06.001
CA9319924

1. Application

Guy Patterson
YOUNG ANDERSON
 1616 808 Nelson Street
 Vancouver BC V6Z 2H2
 604-689-7400

File 119-188
 re: Lougheed Enterprises Ltd.

2. Description of Land

PID/Plan Number	Legal Description
024-008-648	LOT 1 SECTION 21 CLAYOQUOT DISTRICT PLAN VIP66548 EXCEPT THAT PART IN PLAN VIP70592
024-531-651	THAT PART OF SECTION 21 CLAYOQUOT DISTRICT INCLUDED WITHIN PLAN VIP69014, ADJACENT AND FRONTING LOT 35 PLAN VIP64737, LYING SOUTH OF A LINE AND SAID LINE PRODUCED AND EXTENDED FROM THE MOST SOUTHERLY NORTHEASTERN BOUNDARY OF SAID LOT 35 HAVING A BEARING OF 145 DEGREES 00'00"
024-531-758	THAT PART OF SECTION 21 CLAYOQUOT DISTRICT INCLUDED WITHIN PLAN VIP69014, ADJACENT AND FRONTING LOT 37 PLAN VIP64737, LYING SOUTH OF A LINE PRODUCED AND EXTENDED FROM THE NORTHEASTERN BOUNDARY OF SAID LOT 37 HAVING A BEARING OF 145 DEGREES 00'00"AND LYING NORTH OF A LINE PRODUCED AND EXTENDED FROM THE MOST SOUTHERLY SOUTHWESTERN BOUNDARY OF SAID LOT 37 HAVING A BEARING OF 145 DEGREES 00'00"
024-531-774	THAT PART OF SECTION 21 CLAYOQUOT DISTRICT INCLUDED WITHIN PLAN VIP69014, ADJACENT AND FRONTING LOT 1 PLAN VIP66186, LYING NORTH OF A LINE AND SAID LINE PRODUCED AND EXTENDED FROM THE SOUTHWESTERN BOUNDARY OF SAID LOT 1 HAVING A BEARING OF 295 DEGREES 40'23"
024-769-207	THAT PART OF SECTION 21 CLAYOQUOT DISTRICT SHOWN AS AREA B ON PLAN VIP70592

3. Nature of Interest

Type	Number	Additional Information
COVENANT		

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

LOUGHEED ENTERPRISES LTD., NO.BC998092

6. Transferee(s)

DISTRICT OF UCLUELET
 BOX 99
 200 MAIN STREET
 UCLUELET BC V0R 3A0

7. Additional or Modified Terms

8. Execution(s)

This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Tony Spagnuolo
Barrister & Solicitor
 300 - 906 Roderick Avenue
 Coquitlam BC V3K 1R1

 (as to both signatures)

Execution Date

 YYYY-MM-DD

2021-08-16

Transferor Signature(s)

LOUGHEED ENTERPRISES LTD.
 By their Authorized Signatory

Name: Ross Elliott

Name:

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

Joseph Rotenberg
Commissioner for Taking Affidavits
for British Columbia
 Corporate Officer
 200 Main Street, PO Box 999
 Ucluelet BC V0R 3A0

Execution Date

 YYYY-MM-DD

2021-08-17

Transferor Signature(s)

DISTRICT OF UCLUELET
 By their Authorized Signatory

Name: Donna Monteith, CFO



Land Title Act
Charge
General Instrument – Part 1

Name: Mayco Noel, Mayor

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

**Guy William
Patterson TE3RRU**

**Digitally signed by
Guy William Patterson
TE3RRU
Date: 2021-08-27
18:08:25 -07:00**

TERMS OF INSTRUMENT – PART 2**COVENANT (Section 219 *Land Title Act*)**

THIS COVENANT dated for reference the 11th day of August, 2021 is

BETWEEN:

LOUGHEED ENTERPRISES LTD., Inc. No. BC998092
102- 2455 Dollarton Highway
North Vancouver BC V7H 0A2

(the "Grantor")

AND:

DISTRICT OF UCLUELET
Box 999
200 Main Street
Ucluelet BC V0R 3A0

(the "District")

WHEREAS:

- A. The Grantor is the registered owner of land located at 1082 Peninsula Road in Ucluelet, British Columbia and more particularly described as:

PID	Legal Description
024-008-648	LOT 1 SECTION 21 CLAYOQUOT DISTRICT PLAN VIP66548 EXCEPT THAT PART IN PLAN VIP70592
024-531-651	THAT PART OF SECTION 21 CLAYOQUOT DISTRICT INCLUDED WITHIN PLAN VIP69014, ADJACENT AND FRONTING LOT 35 PLAN VIP64737, LYING SOUTH OF A LINE AND SAID LINE PRODUCED AND EXTENDED FROM THE MOST SOUTHERLY NORTHEASTERN BOUNDARY OF SAID LOT 35 HAVING A BEARING OF 145 DEGREES 00'00"
024-531-758	THAT PART OF SECTION 21 CLAYOQUOT DISTRICT INCLUDED WITHIN PLAN VIP69014, ADJACENT AND FRONTING LOT 37 PLAN VIP64737, LYING SOUTH OF A LINE PRODUCED AND EXTENDED FROM THE NORTHEASTERN BOUNDARY OF SAID LOT 37 HAVING A BEARING OF 145 DEGREES 00'00" AND LYING NORTH OF A LINE PRODUCED AND EXTENDED FROM THE MOST SOUTHERLY SOUTHWESTERN BOUNDARY OF SAID LOT 37 HAVING A BEARING OF 145 DEGREES 00'00"
024-531-774	THAT PART OF SECTION 21 CLAYOQUOT DISTRICT INCLUDED WITHIN PLAN VIP69014, ADJACENT AND FRONTING LOT 1 PLAN VIP66186, LYING NORTH OF A LINE AND SAID LINE PRODUCED AND EXTENDED FROM THE SOUTHWESTERN BOUNDARY OF SAID LOT 1 HAVING A BEARING OF 295 DEGREES 40'23"

024-769-207	THAT PART OF SECTION 21 CLAYOQUOT DISTRICT SHOWN AS AREA B ON PLAN VIP70592
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(together, the "Land");

- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the District, in respect of the use of land or buildings, or the building on land;
- C. The Grantor has applied to the District for a rezoning of the Land to permit development of the Land, and in connection with the Grantor's application for rezoning the Grantor has offered to grant this Covenant to the District;
- D. The Grantor wishes to grant this Covenant to the District to confirm it will only develop the land in compliance with plans previously presented to Council in support of the Grantor's rezoning application, and that it will not use or occupy the Land except on the terms and conditions agreed to by the parties and set out in this Covenant;

THIS COVENANT is evidence that in consideration of the payment of TWO DOLLARS (\$2.00) by the District to the Grantor, and other good and valuable consideration (the receipt and sufficiency of which are acknowledged by the parties), the Grantor covenants and agrees with the District, in accordance with section 219 of the *Land Title Act*, as follows:

Definition

1. In this Agreement, "Development Plans" means the plan attached to this agreement as Schedule A.

Restrictions on Use and Development of the Land

2. The siting, design and construction of the new tourist accommodation cabins proposed to be constructed on the area of land marked "Cabins Parcel 2" on the Development Plans must be consistent with the drawings attached to this agreement as Schedule B.
3. The area of the Land outlined in heavy black and labelled "Midden Parcel" shall not be developed or used for any purpose except for conservation, protection, public education and enjoyment of the natural and cultural features of this area of the Land, including the continued cultural practices of the Yuuŭuʔiʔath. No tree removal is permitted in this area of the Land except when necessary for the removal of a hazard, and with written notice provided to the District. For greater clarity, no commercial activities, development, construction or placement of buildings, structures, vehicle access, parking, signage or other constructed features is permitted in this area of the Land except for the following:

- (a) pedestrian pathways and trails;
- (b) pedestrian-scale interpretive signs and wayfinding markers; and,
- (c) benches, boardwalks and decks,

all of which must be suitable for providing safe and accessible pedestrian access, and a gathering space, in a natural public park-like setting.

4. The Grantor will not use or occupy any residential or tourist accommodation building on the area of the Land marked "Cabins Parcel 2" on the Development Plans, nor request any occupancy permit from the District in respect of any such building on the Land, until and unless:

- (a) The parcels comprising the Land have been subdivided, or consolidated, or both, such that the configuration of the parcel boundaries is in accordance with Development Plans;
- (b) the Grantor, at its sole cost, has registered as a charge against the title to the Land, a statutory Right of Way with a minimum width of 5m on terms satisfactory to the District's Manager of Planning authorizing construction and maintenance of pedestrian trails, and public access to and through all areas of the Land shown in dashed lines and labelled "Terrace Beach Public Access", "Proposed Pedestrian Public Access", "Proposed Public Access Easement", or "Proposed Public Trail" on the Development Plans;
- (c) The Grantor has transferred title to the Yuuṭuʔitʔatʔ Government - Ucluelet First Nation (UFN), subject only to this Covenant, and such other encumbrances as may be approved by the UFN in its sole discretion, of the area of the Land outlined in heavy black and labelled "Midden Parcel" on the Development Plans;
- (d) The Grantor, at its sole cost, has registered as a charge against the title of the new "Cabins Parcel 1" an easement in favour of "Cabins Parcel 2", both as shown on the Development Plans, for vehicle access in the area labelled as "guest access road";
- (e) The Grantor, at its sole cost, has registered as a charge against the title to the Land, a covenant restricting the use of the are of the Land located within the proposed "Cabin Parcel 2" and labelled as "Preserved Natural Green Space" on the Development Plans as green space, and prohibiting the no removal of trees or other vegetation (except to remove a hazard), any grading, disturbance, construction or alteration of that area of the Land, except as reasonably required

for the development of public pedestrian trails as authorized by the statutory Right of Way in 4(b);

- (f) The Grantor has dedicated as highway the area shaded in blue and labelled as "Public Parking Dedication to District of Ucluelet" on the Development Plan.

Amendments to Development Plans

5. The Grantor may request, and the District's Manager of Planning may, in his or her sole discretion approve, minor deviations from the Development Plan(s), provided that any such requests or approvals must be made in writing.

Discharge

6. If the District does not adopt the bylaw necessary for the rezoning mentioned in recital C by October 31, 2021, this agreement shall be of not further force and effect and the District shall, at the Grantors request, sign a discharge of this Covenant and return it to the Grantor for registration at the Grantor's expense.
7. The District further agrees that if the Grantor:
- (a) completes the development of the land in accordance with the Development Plans(s); and,
 - (b) delivers to the District a registrable discharge of this Covenant from the title to the "Cabins Parcel 1", "Cabins Parcel 2" and the remainder parcel fronting Boardwalk Boulevard created by the subdivision of the Land

the District will execute the discharge, and return the executed discharge to the Grantor, and the Grantor may apply to register it in the Victoria land title office.

Subject to Bylaws

8. This Covenant does not relieve the Grantor in any way from complying with all applicable bylaws of the District or other enactments applicable to the Land.

Inspections

9. The District and any of its officers and employees may enter on the Land at all reasonable times, to inspect the Land for the purpose of ascertaining compliance with this Covenant.

Amendment

10. This Covenant may be altered or amended only by an agreement in writing signed by the parties.

No Public Law Duty

11. Whenever in this Covenant the District is required or entitled to exercise any discretion in the granting of consent or approval, or is entitled to make any determination, take any action or exercise any contractual right or remedy, the District may do so in accordance with the contractual provisions of this Covenant only and will not be bound by any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice or otherwise.

No Obligations on District

12. The rights given to the District by this Covenant are permissive only and nothing in this Covenant:
- (a) imposes any duty of care or other legal duty of any kind on the District to the Grantor or to anyone else;
 - (b) obliges the District to enforce this Covenant, which is a policy matter within the sole discretion of the District; or
 - (c) obliges the District to perform any act, or to incur any expense for any of the purposes set out in this Covenant.

No Effect on Laws or Powers

13. This Covenant does not,
- (a) affect or limit the discretion, rights or powers of the District under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) affect or limit any law or enactment relating to the use or subdivision of the Land; or
 - (c) relieve the Grantor from complying with any law or enactment, including in relation to the use or subdivision of the Land.

District's Right to Equitable Relief

14. The Grantor agree that the District is entitled to obtain an order for specific performance or a prohibitory or mandatory injunction in respect of any breach by the Grantor of this Covenant.

Covenant Runs With the Land

15. Every obligation and covenant of the Grantor in this Covenant constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* in respect of the Land and this Covenant burdens the Land and runs with it and binds the successors in title to the Land. For certainty, unless expressly stated otherwise, the term "Grantor" refers to the current and each future owner of the Land. This Covenant burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

16. The Grantor agrees to do everything necessary, at the Grantor's expense, to ensure that this Covenant is registered against title to the Land with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Covenant.

Waiver

17. An alleged waiver by the District of any breach of this Covenant by the Grantor is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver by the District of a breach by the Grantor of this Covenant does not operate as a waiver of any other breach of this Covenant.

Notice

18. Any notice to be given pursuant to this Covenant must be in writing and must be delivered personally or sent by prepaid mail. The addresses of the parties for the purpose of notice are the addresses on the first page of this Covenant and in the case of any subsequent owner, the address will be the address shown on the title to the Land in the Land Title Office.

If notice is delivered personally, it may be left at the relevant address in the same manner as ordinary mail is left by Canada Post and is to be deemed given when delivered. If notice is sent by mail, it is to be deemed given 3 days after mailing by deposit at a Canada Post mailing point or office. In the case of any strike or other event causing disruption of ordinary Canada Post operations, a party giving notice for the purposes of this Covenant must do so by delivery as provided in this section.

Either party may at any time give notice in writing to the other of any change of address and from and after the receipt of notice the new address is deemed to be the address of such party for giving notice.

Enurement

19. This Covenant binds the parties to it and their respective corporate successors, heirs, executors, administrators and personal representatives.

Joint and Several

20. If at any time more than one person (as defined in the *Interpretation Act* (British Columbia) owns the Land, each of those persons will be jointly and severally liable for all of the obligations of the Grantor under this Covenant.

Further Acts

21. The Grantor must do everything reasonably necessary to give effect to the intent of this Covenant, including execution of further instruments.

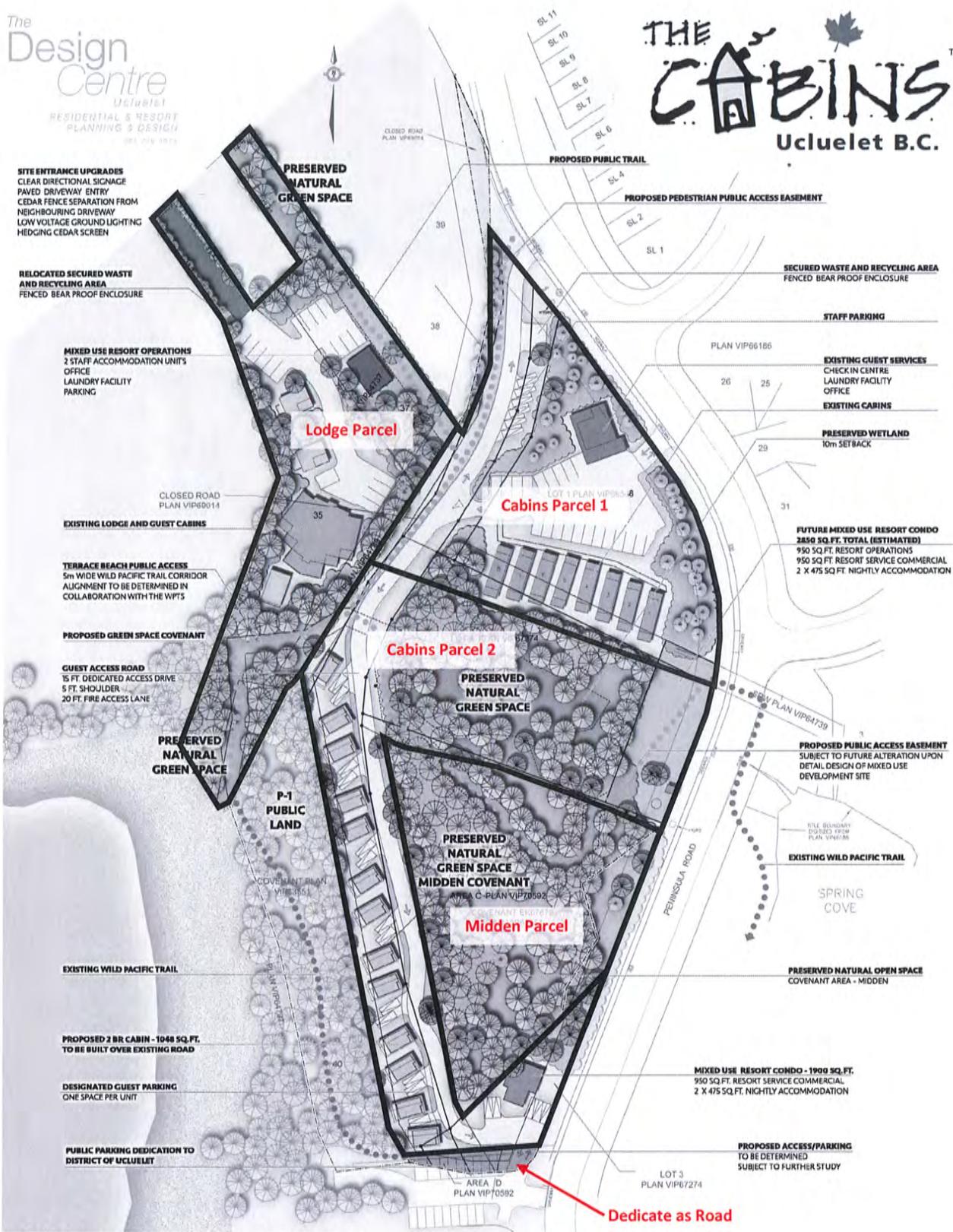
As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Office Form C which is attached hereto and forms part of this Covenant.

Schedule A – Development Plans**Schedule B – New Cabins Drawing Set**

Schedule A

The Design Centre
Ucluelet
RESIDENTIAL & RESORT
PLANNING & DESIGN
888 276 8775

THE CABINS™
Ucluelet B.C.



ILLUSTRATIVE MASTER PLAN

Schedule B (1 of 6)

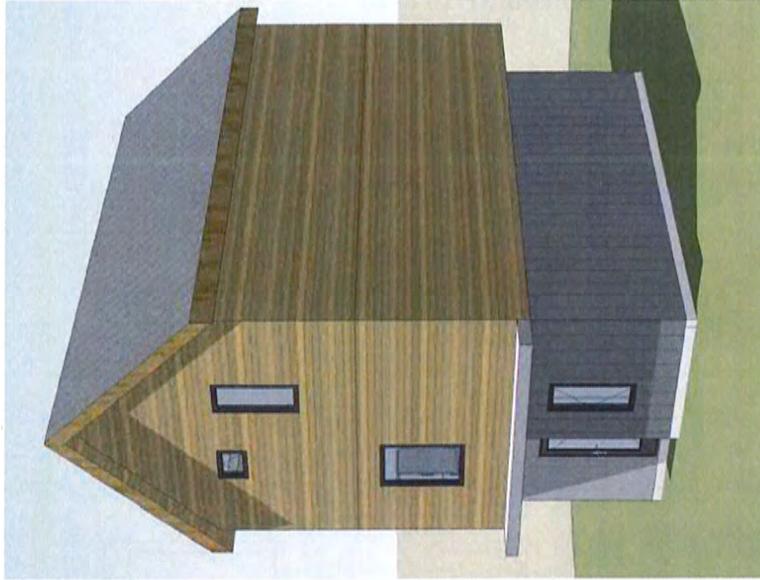


Prepared by:
 Ian Kennington, BIA
 The Design Centre Architects
 7, 1900 Suther Rd.
 PO Box 12463, Dubuque, IA
 52003-3460
 319.266.9973

The Cabins at Terrace Beach



Schedule B(2 of 6)

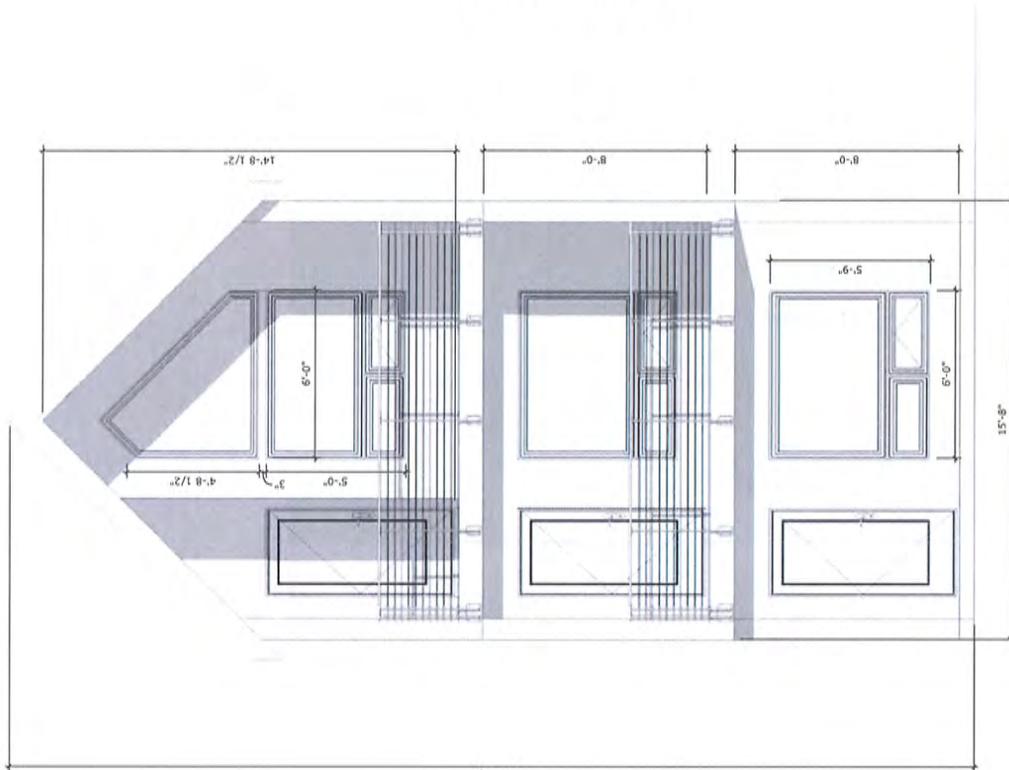


PERSPECTIVES

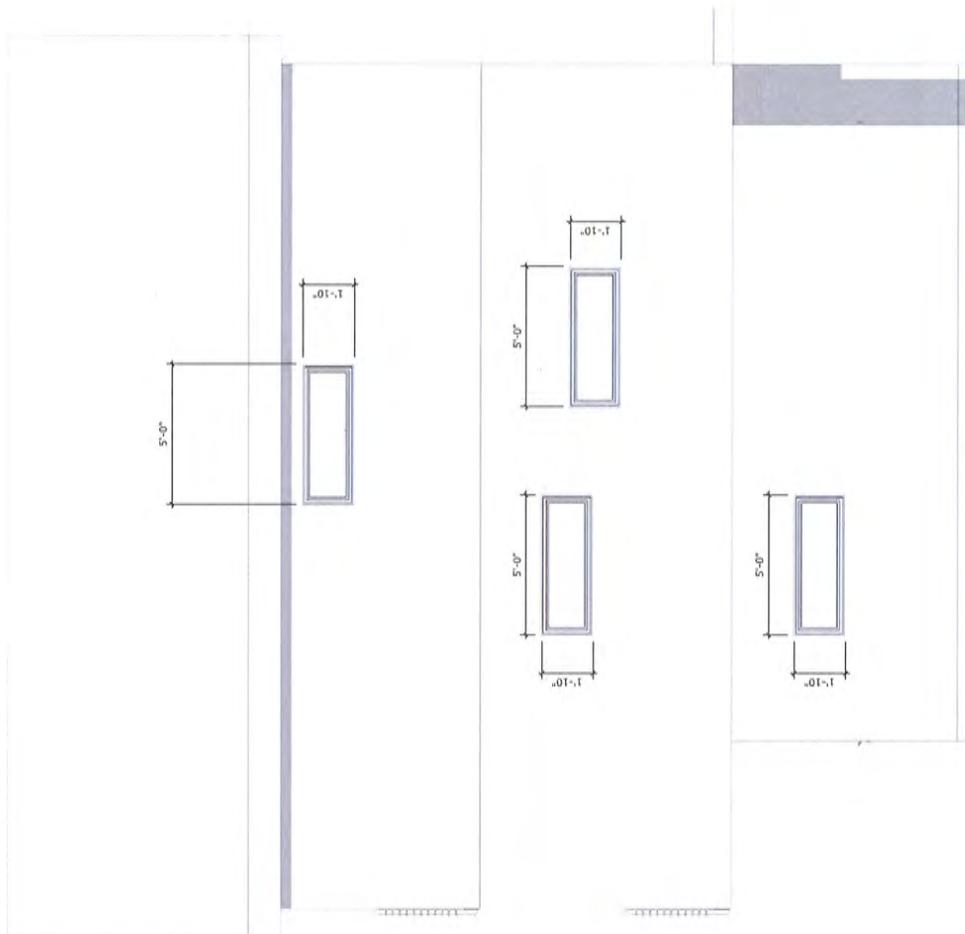
1050 Peninsula Road, Victoria, BC | The Cabins at Terrace Beach

105

Schedule B (3 of 6)



WEST ELEVATION - SCALE: 1/2" = 1'-0"

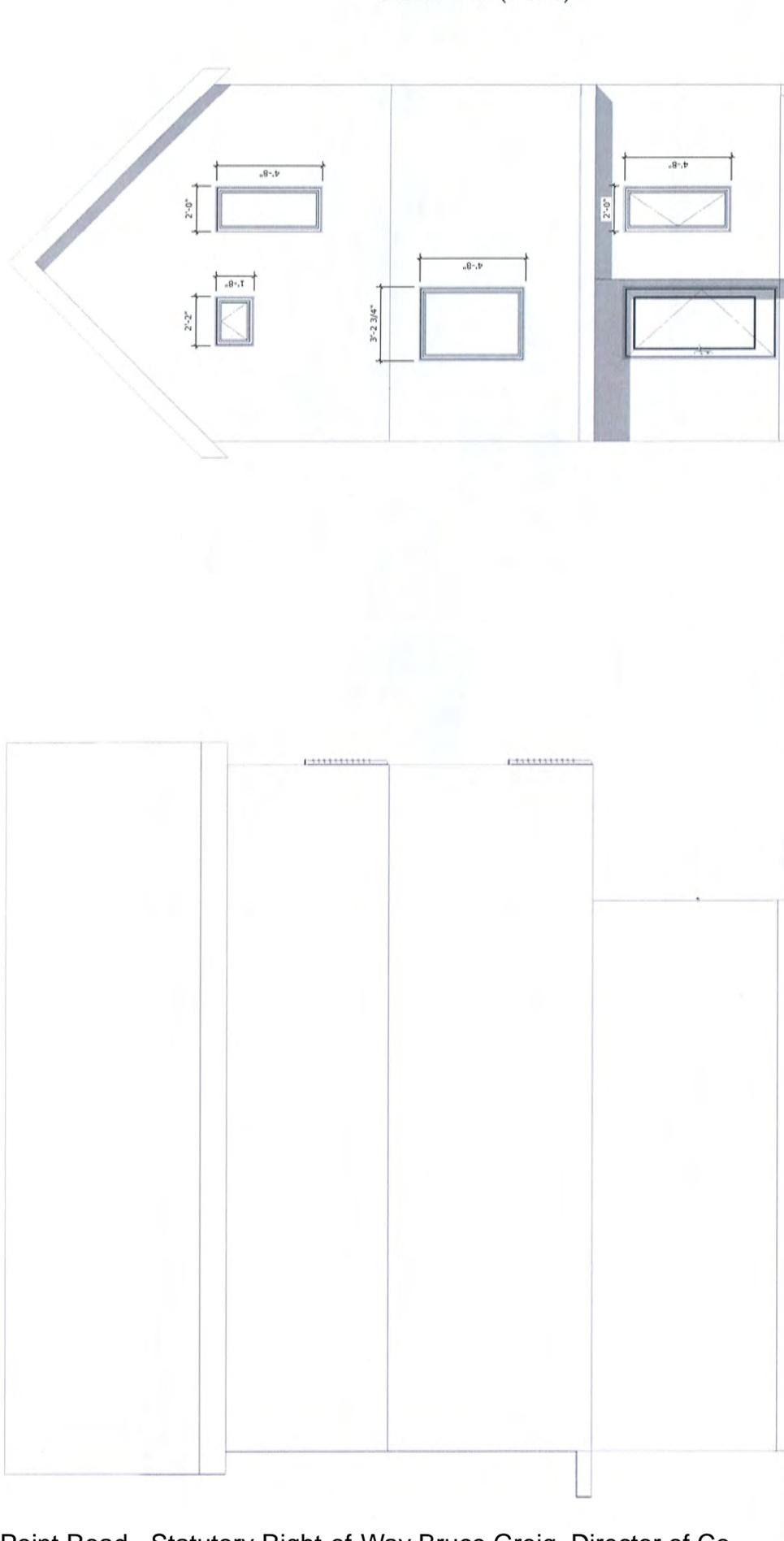


SOUTH ELEVATION - SCALE: 1/2" = 1'-0"

ELEVATIONS

1090 Peninsula Road, Hightlet, SC | The Cabins at Terrace Beach

Schedule B (4 of 6)



NORTH ELEVATION - SCALE: 1/2" = 1'-0"

EAST ELEVATION - SCALE: 1/2" = 1'-0"



SECTION VIEW FROM ACCESS LANE TOWARDS TERRACE BEACH



DISTRICT LANDS

MIDDEN COVENANT AREA

EXISTING CABINS

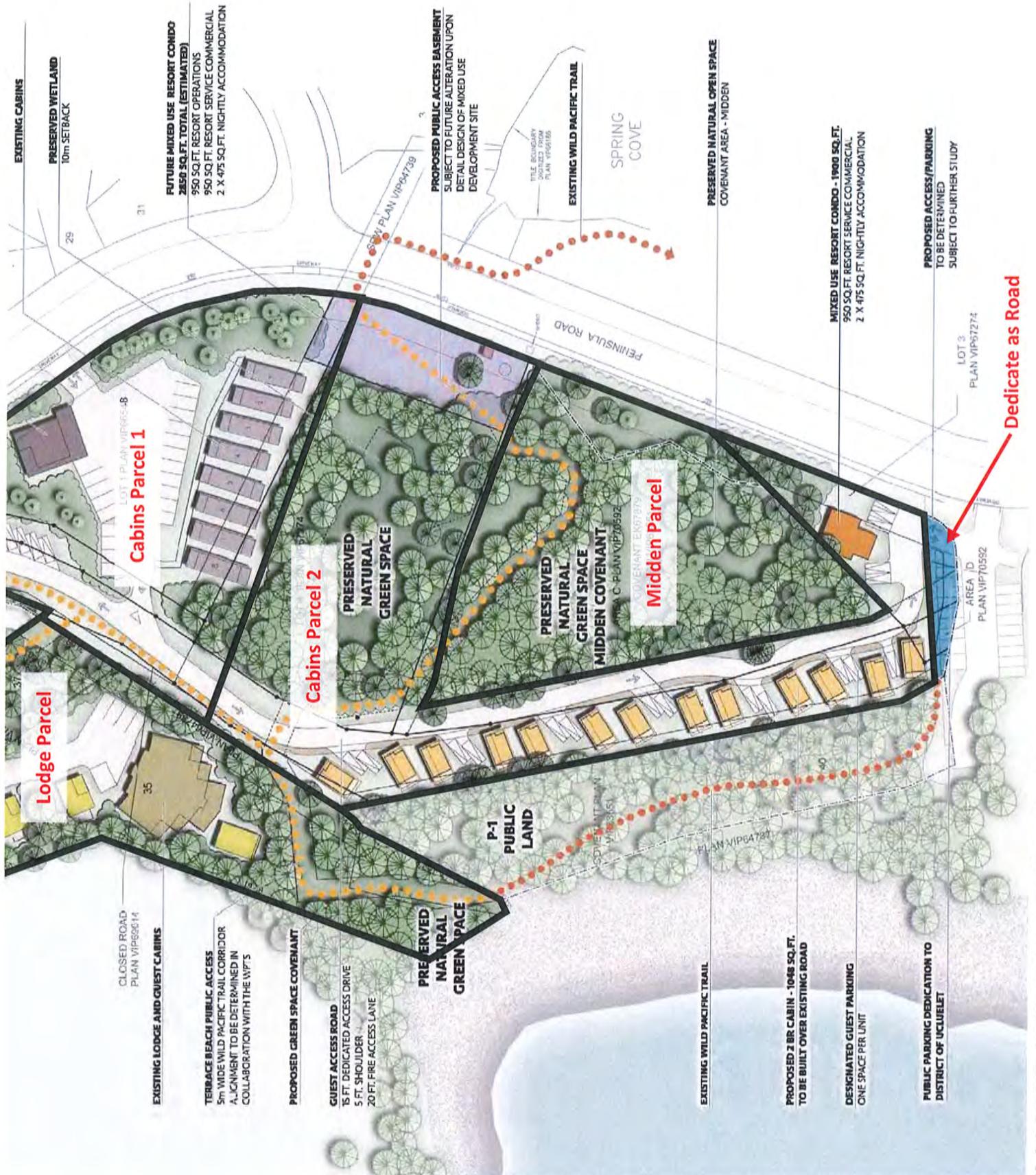
DISTRICT LANDS

MIDDEN COVENANT AREA



Schedule B (5 of 6)

Schedule B (6 of 6)



ILLUSTRATIVE MASTER PLAN



REPORT TO COUNCIL

Council Meeting: March 28, 2023

500 Matterson Drive, Ucluelet, BC V0R 3A0

FROM: BRUCE GREIG, DIRECTOR OF PLANNING **FILE No:** SD20-01

SUBJECT: LOT 13 REQUEST FOR FUNDING – TSUNAMI RISK MITIGATION **REPORT No:** 23- 42

ATTACHMENT(S): APPENDIX A – LETTER ANDREW MCLANE, JANUARY 27, 2023
 APPENDIX B – LETTER BC HOUSING, MARCH 10, 2023
 APPENDIX C – ANALYSIS AND COST BREAKDOWN, EMERALD SEA ENGINEERING
 APPENDIX D – MASTER PARTNERING MOU BETWEEN UCLUELET & BC HOUSING

RECOMMENDATIONS:

1. **THAT** Council direct staff to allocate \$330,000 of Affordable Housing Reserve funds in the 2023 Budget and 5-year Financial Plan, to offset tsunami mitigation costs for the 33-unit development at Lot 13 Marine Drive in conjunction with the BC Housing *Affordable Home Ownership Program*; and,
2. **THAT** Council indicate that the offer to provide funding in the amount of \$330,000 to offset tsunami mitigation costs would remain valid until September 1, 2025, and would be payable to BC Housing upon the owner obtaining a final occupancy permit for the last of the 33 houses to be built on the proposed lots.

BACKGROUND:

During the rezoning of Lot 13, District Lot 283, Clayoquot Land District, Plan VIP84686 (“**Lot 13**”) for a 33-unit small-lot affordable housing development, Council agreed to contribute \$320,000 to offset site servicing costs at the [March 17, 2020, regular meeting](#). That amount is equivalent to the Development Cost Charges (DCC’s) payable for a 33-unit small-lot subdivision. These funds have been allocated from the Affordable Housing Reserve. Subsequently, at its [April 28, 2020, regular meeting](#), Council adopted the rezoning and housing agreement bylaws. On [October 13, 2020](#), Council accepted a revised option to purchase, confirmed the duration that the funding offer would remain valid, and issued the Development Permit for the site development.

BC Housing is providing financing for the Lot 13 development through its Affordable Home Ownership Program (AHOP). The AHOP program includes a partnering agreement between BC Housing and the District (see **Appendix “D”**), whereby cost savings and/or contributions by the municipality to make the development affordable are matched by BC Housing in the form of an interest-free second mortgage on the 22 AHOP lots for purchase (the other 11 lots are for affordable rentals under a housing agreement, also with construction financing from BC

Housing). Should the units one day sell out of the AHOP program then the contributions by the District, the developer and BC Housing would be returned to the municipal Affordable Housing Reserve fund. In other words, under the project agreement with BC Housing, the funds stay committed to affordable housing within the community.

The latest request from APMC Holdings Ltd. is for an additional \$330,000 of funding, bringing the total potential contribution to \$650,000 for this project (see **Appendix “A”**). The reason for the request is to offset a portion of the additional costs for extra site grading and foundation stabilization to mitigate the risk of tsunami flooding on 25 of the 33 proposed housing lots.

In 2019 the District received a grant for undertaking [flood hazard mapping](#) for the Ucluth Peninsula and Ucluelet Inlet. The results of the study were received in June of 2020; at the time, staff advised the developer that they should understand the implications for the Lot 13 property, and seek expert advice if necessary. The Province of BC provides direction in its *Flood Hazard Management Guidelines* to approving officers as they review subdivision applications in areas that may be prone to flooding, including from tsunami. Recent changes in the provincial directives raised the need for assurance that the subdivision of Lot 13 would be consistent with the new guidelines.

On March 29, 2022, Council received a [report on the implications of Provincial guidance for subdivisions in tsunami-prone areas](#), and adopted an [interim risk tolerance policy for tsunami](#). The policy enables a developer to undertake a coastal engineering analysis and provide an engineered solution to ensure that all proposed new homes would be above the tsunami flood reference plane. The developer has now submitted an engineering analysis and list of additional costs for grading and foundation works to provide the recommended flood mitigation (see **Appendix “C”**).

BC Housing has confirmed that, if approved, the additional funding support would be captured under the AHOP final project partnering agreement (see **Appendix “B”**).

Discussion:

If the current funding request is approved, the District’s total cash contribution to the project would be equivalent to \$20,000 per lot. If the result is completion of 22 homes attainable for purchase by Ucluelet working households and 11 rental homes affordable to Ucluelet residents, then staff consider this level of financial support to be justified. The participation of BC Housing - to ensure that the funds stay in the community supporting affordable housing in perpetuity - is key.

The suggested timing of the contribution – once occupancy is obtained for the last of the 33 houses – mirrors the conditions of the initial funding commitment of \$320,000 from the District approved in 2020 to offset servicing costs. Essentially the funds would be provided to BC Housing once the homes exist - on lots which carry on title the provisions ensuring their affordability. Council indicated that the initial offer to contribute would remain valid until September 1st, 2025.

Financial Implications:

If Council approves the current request for \$330,000 to support the Lot 13 affordable housing project, staff recommend that the appropriate source of funding would be the municipal Affordable Housing Reserve. Staff have confirmed that the current reserve fund balance is adequate to cover this request and other prior project commitments (including 1300 Peninsula Road, etc.). The project request would then be added to the 2023 Budget.

ANALYSIS OF OPTIONS:

A	That Council approve the current request for \$330,000 of additional funding to support tsunami flood mitigation for the Lot 13 housing project.	<u>Pros</u>	<ul style="list-style-type: none"> • Would enable the developer to move forward with the subdivision of the property. • Would advance the development of needed housing on Lot 13.
		<u>Cons</u>	<ul style="list-style-type: none"> • Would allocate funds from the affordable housing reserve fund which could be used for other affordable housing initiatives.
		<u>Implications</u>	<ul style="list-style-type: none"> • Staff would include the additional funding request in the proposed 2023-2027 Five Year Financial Plan. • Total contribution from the Affordable Housing Reserve fund would be \$650,000.
B	That Council defer consideration of the request until the property owner has provided additional information.	<u>Pros</u>	<ul style="list-style-type: none"> • Could provide additional information, should Council have unanswered questions about any aspect of the proposal.
		<u>Cons</u>	<ul style="list-style-type: none"> • Could delay the project moving forward.
		<u>Implications</u>	<ul style="list-style-type: none"> • Would take additional time for the applicant. • Would require additional staff time to present the additional information in a future staff report.
		<u>Suggested Motion</u>	THAT Council indicate to the owner of Lot 13 that, in order to consider the current the request for additional funding support, the following additional information is required: <i>[insert as applicable]</i> .
C	THAT Council does not support the request at this time.	<u>Pros</u>	<ul style="list-style-type: none"> • Allows for reserve funding to be used for other affordable housing initiatives.
		<u>Cons</u>	<ul style="list-style-type: none"> • The AHOP development of 33 lots at Lot 13 Marine drive may not proceed.
		<u>Implications</u>	<ul style="list-style-type: none"> • Staff time could be prioritized for other work. • Affordable Housing Reserve funds would be available for other projects.
		<u>Suggested Motion</u>	No motion is required.

NEXT STEPS:

If Council supports the funding request for Lot 13, staff will update the draft 2023 Budget accordingly. Concurrently, the Approving Officer is reviewing the recently submitted engineering analysis; staff expect that this will likely result in an updated subdivision "Preliminary Layout Assessment" letter. The BC Housing board will be reviewing the Lot 13 details and consider final project approval in May. Staff understand that pre-sales of homes in the Lot 13 development could begin shortly thereafter.

Respectfully submitted: Bruce Greig, Director of Community Planning
Donna Monteith, Chief Financial Officer
Duane Lawrence, Chief Administrative Officer

January 27, 2023

RE: Lot 13 Tsunami costs increase

Attn: Bruce Greig , Director of Community Planning

Dear Bruce,

Please see attached Emerald Sea Engineering's report on costs for upgrading lots for Tsunami Design, Explanation of how we got to these costs and a lot layout for reference.

As per the Districts of Ucluelet's direction last year, we have gone through this process to make sure we have made this site safe for all residence for years to come. We have taken the time and gone through every process at length and considerable expense and finally we know we have a solid plan moving ahead.

Again, as per the districts direction, ACMC HOLDINGS LTD, have shown the updated costs and ask for the District of Ucluelet to further contribute as part of the AHOP program, a further 10,000 per lot totalling \$330,000 for Tsunami policy relief. As you can see its not the full amount of the updated costs and I understand that development always has risk. That is why I am only asking for a portion.

Bruce, as you know, the AHOP program pays back the District of Ucluelet upon sales of AHOP units coming out of the program plus 10% of the profit made to the home owner.

Please let me know if you have any questions for me. I hope this gets in front of council soon.

Sincerely,

Andrew McLane

President of ACMC Holdings Ltd



March 10, 2023

District of Ucluelet
200 Main St
Ucluelet, BC V0R 3A0

Attn: Marilyn McEwen, Mayor, and Bruce Greig, Manager of Community Planning
Re: Lot 13, Ucluelet

Dear Mr Marilyn McEwen and Bruce Greig,

The HousingHub, a newly established division of BC Housing, was created to fulfil a new mandate – to supply housing for the middle-income household. As part of this initiative, the HousingHub seeks to utilize partnerships with the development community and Developers to create projects that serve the needs of the middle-income households in communities across our province. In particular, the HousingHub's Affordable Home Ownership Program aims to increase the supply and range of affordable housing options in the independent range of the Housing Continuum.

In mid 2019, Andrew McLane, Personal Real Estate Corporation approached the HousingHub to explore the opportunity to develop Lot 13, Ucluelet with a partnership. The development would create approximately 33 individual rental and ownership units on the site and would have a positive impact in the community for a new supply option for rental and affordable ownership housing. After careful analyses and review of the opportunity, we found that the development meets the overall program intent, goal, principles, target population and core elements of the HousingHub.

We understand that the affordable home ownership aspect of the project will not be possible without partnership with District of Ucluelet and their acceptance of concessions and look to the District to provide direction and clarity on the process over the next few months given the costly nature of holding land.

In the current state of the project, the HousingHub has reviewed information from the District as well as the Developer to initially summarize the following proposed financial contributions to the Affordable Home Ownership Program. The figures below have changed slightly from the first iteration as the Developer has lowered the price points for unit sales, resulting in lower income ranges required to be eligible to purchase units.

Table 1: Estimated AHOP 2nd mortgage breakdown. Please note all estimated contributions and 2nd mortgage value is subject to change depending on the final project metrics and has only been provided for discussion purposes only. The HousingHub is not able to guarantee any of these contributions or the value of the 2nd mortgages at this time and the final amount may differ from noted in the above table.

Estimated Original Municipal contribution:	\$320,000
Additional Municipal contribution request:	\$330,000
Estimated Developer cash contribution:	\$367,200
Estimated BC Housing interest savings:	\$83,800
Total estimated contributions and 2nd mortgage value:	\$1,101,000

Table 2: Estimated AHOP Unit Price Points. Please note that depending on the municipal and HousingHub approvals as well as entering into legal agreements with the Developer, the information contained in the above Table is for discussion purposes only and the final amounts may differ from noted in the above table.

Unit Type	Number of Units	Average Market Value	Average AHOP 2 nd Mortgage Value	Average Purchaser 1 st Mortgage Responsibility (After min 5% down payment)	Average Purchaser Income Required
2 BR	12	\$ 437,083	\$ 45,625	\$ 369,604	\$ 88,101
3 BR	10	\$ 486,500	\$ 55,350	\$ 406,825	\$ 96,974

This letter confirms that the HousingHub is interested in participating in the proposed affordable ownership-based housing at the addresses listed above with Andrew McLane. However BC Housing's final participation is contingent on the final negotiated business deal for the inclusion of affordable home ownership on being approved by our Executive Committee. The development dually accomplishes objectives set by Andrew McLane and the HousingHub while more importantly, benefiting future residents with the creation of new ownership units.

We value this potential partnership and see this as a positive response in alleviating the pressures faced in the neighbourhood with respect to affordable housing and additional supply for middle income households in Ucluelet.

Yours truly,



Raymond Kwong
 Provincial Director, HousingHub
 BC Housing

EMERALD SEA ENGINEERING 4920 Island Highway North, Courtenay, BC V9N 5Z1
250-338-0882 jim.eseng@gmail.com



January 27, 2023

Attn: Andrew McLane

Project: Ucluelet Lot 13 Subdivision

Subject: Tsunami Upgrade Costs

The increased costs for upgrading the 33 Lots for the subdivision at Lot 13 in Ucluelet so that they are tsunami resistant have been estimated (see attached).

The primary expense is the filling of the lots with rock to meet the Tsunami Planning elevation of 15 m GSC. To accomplish this it is planned to fill to 14 m and then increase the height of the foundations to 1 m so that the underside of the modular homes are at 15 m which meets the required Flood Construction Level. The quantity of fill required has been estimated based on the available District of Ucluelet topographic mapping and is estimated to be 7100 cubic metres (cm) (see attached map with 14 and 15 m contours). Fill will be up to the 14 m contour which is in blue. Lots at or above the green 15 m contour are at or above the FCL and need not have special design for tsunami resistance. The unit cost used for large sorted rock in place at the direction of an engineer is \$50 per cm. It is my understanding that there may be cheaper supplies of rock available from other construction sites but it is expected that the size and quality of much of the rock would not be acceptable and significant effort would be required to sort and grade the materials on site. As a result, it is concluded that the above unit cost is reasonable.

Only 25 units have been included for the following costs since it is expected that 8 units would be at or above the 15 m contour and will not require foundation upgrades.

The next item is the cost for increasing the heights of the foundations to the 15 m FCL.

Normally foundations would be about 0.6 m high which allows for 450 mm below grade and

150 mm above grade. The estimation of costs for this line item is based on increasing the height to 1.0 m. This portion of the concrete (0.4 m) has been estimated at \$300 per cm for concrete forming, rebar placement, concrete and concrete placement.

The next item is the increase in connection strength for fastening the modular home to the foundation. While this connection technically is at or above the 15 m elevation, it is possible that some wave runup could occur as water hits the foundation and it is prudent to increase the strength of this connection. It anticipated that the size, strength and quantity of connectors would be significantly increased and an allowance of \$500 has been made for 25 units.

The final element is the pinning of the foundation to rock. A number of the homes will have foundations pinned directly to bedrock. Others will be pinned down into large rock fill (1 m plus) which will be grouted together to form a much larger mass. These pins will be designed to match the shear strength of the pins installed into bedrock. It is anticipated that the anchorage strength will be limited by the strength of the shear pins so pins in grouted large rock areas will be designed to meet or exceed the shear capacity of those installed into bedrock. At this point it is planned on having 6 pins per unit approximately 4 feet long with a preliminary size of 20M. This may vary from lot to lot, and may be revised as more detailed design for each unit is completed. As can be seen from the estimate the biggest cost of this element is the rock drilling which is based on a quote obtained from a drilling firm in Port Alberni. A minor allowance has been included for the rebar and grouting operations.

This concludes this brief explanation of the cost estimate which is attached. Please feel free to contact me should you require any additional clarifications.

Sincerely,

Jim Mitchell, PEng, MS Ocean Engineering
Emerald Sea Engineering

Attachments,
Cost Estimate
Map showing 14 and 15 m contours

Lot 13 Ucluelet Subdivision

Cost Estimate for Elements related to Tsunami Design Mitigation January 19 2023

Item	Units	Quantity	Unit Cost	Cost
Fill to 14m w 1.0 m Minus Graded Rock as Specified	CM	7100	\$ 50.00	\$355,000.00
Increase in Foundation from 600 mm to 1000 mm	Each Lot	25	\$1,400.00	\$ 35,000.00
Strengthen Connections from Modular Home to Foundation	Each Lot	25	\$500.00	\$ 12,500.00
Pin Foundation into Rock				
Drilling 25 Units 6 Pins Each	Each	150	\$ 500.00	\$ 75,000.00
Rebar	Each	150	\$ 20.00	\$ 3,000.00
Grouting	Each	150	\$ 20.00	\$ 3,000.00
Subtotal				\$ 81,000.00
Grand Total				\$471,000.00

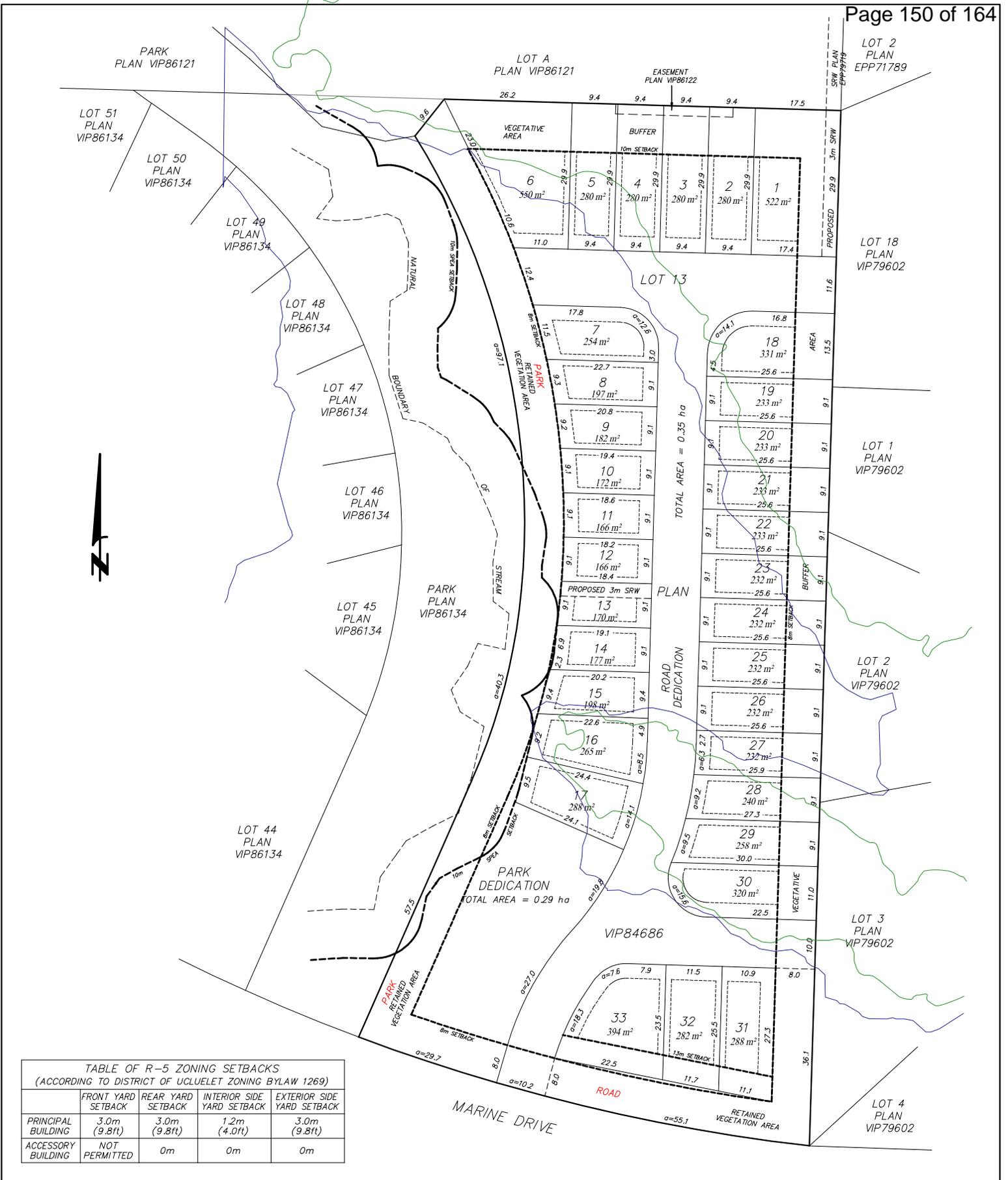


TABLE OF R-5 ZONING SETBACKS
(ACCORDING TO DISTRICT OF UCLUELET ZONING BYLAW 1269)

	FRONT YARD SETBACK	REAR YARD SETBACK	INTERIOR SIDE YARD SETBACK	EXTERIOR SIDE YARD SETBACK
PRINCIPAL BUILDING	3.0m (9.8ft)	3.0m (9.8ft)	1.2m (4.0ft)	3.0m (9.8ft)
ACCESSORY BUILDING	NOT PERMITTED	0m	0m	0m

PROPOSED SUBDIVISION PLAN OF
LOT 13, DISTRICT LOT 283,
CLAYOQUOT DISTRICT, PLAN VIP84686.

Scale 1:500 SCALE 1:500

NOTE
ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.
ALL DISTANCES ALONG CURVES ARE ARC DISTANCES.
ALL DIMENSIONS AND AREA ARE SUBJECT TO FINAL SURVEY.

LEGEND
DL DENOTES DISTRICT LOT
REM DENOTES REMAINDER
ha DENOTES HECTARES

No.	DATE	REVISION
1	2020/03/23	INITIAL PROPOSAL
2	2020/04/14	CHANGED TO FEE SIMPLE SUBDIVISION
3	2020/11/18	MODIFIED LAYOUT
4	2020/09/09	ADDED R-5 ZONING SETBACKS TO EACH LOT
5	2020/--/--	

PRISM
LAND SURVEYING LTD.
223 FERN ROAD, W.
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 250-752-9121
FAX: 250-752-9241
FILE NUMBER: 19-047-S
DRAWING NUMBER: 19-047 P5.DWG
DATE: 2021/09/09



**AFFORDABLE HOME OWNERSHIP PROGRAM
MASTER PARTNERING MEMORANDUM OF UNDERSTANDING**

THIS MEMORANDUM OF UNDERSTANDING is dated for reference: June 10, 2020

BETWEEN

DISTRICT OF UCLUELET
200 Main Street, Ucluelet, British Columbia V0R 3A0

(the "District")

AND

BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION
Suite #1701 - 4555 Kingsway, Burnaby, British Columbia V5H 4V8

("BC Housing")

Regarding the development of Affordable Home Ownership Program Units in the District of Ucluelet

BC Housing AHOP Master Partnering MOU

MOU

PART 1 – INTRODUCTION

This Memorandum of Understanding (“MOU”) sets out the intent of the proposed partnership between BC Housing and the District for the development of new affordable home ownership projects within the District. The MOU applies only to projects (“Developments”) that are approved for the Affordable Home Ownership Program (the “Program”) by the District and BC Housing and for which they enter into a Project Partnering Agreement with the owner of that Development.

The purpose of this MOU is to set out the desired basic business terms and conditions upon which BC Housing and the District intend to proceed with discussions and negotiations for the approval and construction of the Developments.

This MOU is a non-binding statement of the parties' mutual understanding of the collaboration framework. No legally enforceable rights or obligations will be created by or arise from this MOU in respect of either party.

The District acknowledges that any other agreements arising from, or contemplated under this MOU and all rights and obligations of BC Housing will be subject to approvals by BC Housing's Executive Committee and Board of Commissioners as required

BC Housing acknowledges that any other agreements arising from, or contemplated under this MOU and all rights and obligations of the District will be subject to approvals by the District's authorities having jurisdiction or District Council as required.

Both Parties acknowledge that any other MOUs or Agreements arising from or contemplated under this MOU remain subject to BC Housing and District Council approval and such approval remains at the discretion of each Party.

PART 2 – GOALS

This MOU recognizes the parties' shared goal of developing new affordable housing for sale to middle income households as a partnership between BC Housing, private sector developers¹ and the District. Affordability will be achieved through contributions from developers, the District and BC Housing, which contributions will be secured over the long-term, as described below.

The specific goals intended to be met through this arrangement are:

- The creation of new home ownership homes (“AHOP Homes”) within the District that are affordable for middle income households² in the District. AHOP Homes may exist in Developments where only a portion of the units are allocated under the Program and the remaining units are not subject to the Program terms.
- Affordability will be achieved through partnerships with developers who will benefit from low-cost interim construction financing from BC Housing and increased density or other considerations and/or contributions from the District.
- In addition to the creation of AHOP Homes, the District will benefit through BC Housing's repayment of the District's contributions for use for future affordable housing purposes.

PART 3 – OUTLINE OF THE AFFORDABLE HOME OWNERSHIP PROGRAM

The Developments will be constructed by developers and the approved number of AHOP Homes will be made available for sale to middle income households who meet Program eligibility

¹ Developers may be for-profit or non-profit entities.

² As defined in the Affordable Home Ownership Program Framework.

BC Housing AHOP Master Partnering MOU

requirements, as described in the Program framework ("**Eligible Purchasers**"). Initial sale of all AHOP Homes in the Developments will be limited to Eligible Purchasers.

The intent of the Program is that AHOP Homes will be sold to Eligible Purchasers at fair market value, with a pre-determined portion of the purchase price secured by a registered mortgage facilitated by BC Housing (the "**AHOP Mortgage**").

AHOP Mortgages will be interest and payment free for up to 25 years, effectively increasing the affordability for purchasers while securing the contributions made by the District and BC Housing in affordable housing for the long-term. AHOP Mortgages are due and payable upon the earlier occurrence of the date the AHOP Home is sold, the maturity of the 25-year mortgage amortization period or any breach of the AHOP Mortgage terms, including failure to maintain the AHOP Home as the primary residence for the first five years.

Owners of an AHOP Home with an AHOP Mortgage will be required to repay the principal amount of the AHOP Mortgage plus (or minus) the agreed upon proportionate share of any increase (or decrease) in the value of the AHOP Home.

PART 4 – ROLES AND RESPONSIBILITIES

Subject to final agreement and approvals, the District desires to further the objectives of the Program by:

- Contributing to the affordability of each Development through the provision of favourable zoning, bonus density, parking and/or other incentives or relaxations, and/or expedited approvals.
- It is the District's sole discretion to approve all, some or none of above noted considerations, or to reject a Development.
- Creating a separate reserve fund for the deposit and expenditure of AHOP mortgage proceeds transferred to the District, as applicable.

Subject to final agreement and approvals, BC Housing desires to further the objectives of the Program by:

- Negotiating terms of a Project Partnering Agreement with the Developer for each Development and securing the affordability of AHOP Homes and their availability to Eligible Purchasers through s.219 Covenants and other security documents as may be required;
- Providing interim construction financing at favourable rates for up to 100% of the capital cost of the Development;
- Reviewing and approving all AHOP Home sales to ensure AHOP Homes are sold to Eligible Purchasers and subject to the restrictions confirmed in the AHOP Mortgage or s. 219 Covenants;
- Granting AHOP Mortgages on the completion of the purchase of an AHOP Home, and managing all aspects of the AHOP Mortgage throughout the AHOP Mortgage term, including monitoring, enforcement and collection of the amounts secured by the AHOP Mortgage when they come due; and
- Release of AHOP Mortgage proceeds to the District for investment in the mutually agreed fund, designated for affordable housing.

PART 5 – INVESTMENT OF AHOP MORTGAGE PROCEEDS

BC Housing will collect the AHOP Mortgage proceeds when due³ and hold them in trust for the District. Once each year, BC Housing will transfer AHOP Mortgage proceeds received from Eligible Purchasers, less 2% for administration costs, to a fund managed by the District. BC Housing and the District shall mutually agree in advance regarding the fund designated for the

³ Upon sale, proceeds may be applied to an AHOP Mortgage for a subsequent eligible purchaser of the same unit, in order to extend affordability.

BC Housing AHOP Master Partnering MOU

investment of AHOP Mortgage proceeds and the permitted use and objectives associated with the designated fund.

The District will use all AHOP Mortgage proceeds received from BC Housing for affordable housing projects within the District in accordance with the provision of affordable housing and the mutually agreed objectives of the designated fund.

BC Housing and the District agree to work together in supporting the development of new affordable housing projects which receive funding from the designated fund. The District and BC Housing will jointly approve any new projects receiving this funding which approval may require the additional approval of Ucluelet District Council and BC Housing's Executive Committee.

PART 6 – MUNICIPAL APPROVALS

All municipal approvals for Developments are subject to District approval and the provision of such approval is at the absolute discretion of the District.

PART 7 – PUBLIC CONSULTATION

Public consultation will occur for the Developments consistent with the District's established policies and practices and statutory obligations in relation to applications for rezoning and development approval. All parties recognize that good communication, prompt responses, and complete documentation will be essential to achieve the cost savings anticipated by the Program. BC Housing will participate in the public consultation as it pertains to explaining the AHOP Program Framework and project partner agreements for each Development.

PART 8 – COMMUNICATION

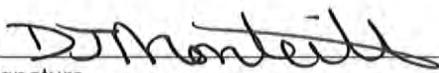
BC Housing and the District will jointly agree on all major communications activities and materials relating to the subject matter of this MOU and any Developments resulting from it.

BC Housing AHOP Master Partnering MOU

DISTRICT OF UCLUELET

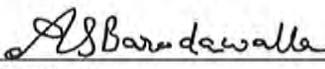
Per its authorized signatories


Signature _____ Date Signed June 24, 2020
Mark Boyesen, CAO
Print Name and Title _____


Signature _____ Date Signed June 24, 2020
DONNA MONTEITH, CFO
Print Name and Title _____

BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION

Per its authorized signatories


Signature _____ Date Signed June 24th 2020
Vice President, Corporate Services & CFO
Print Name and Title _____


Signature _____ Date Signed June 24, 2020
Vice President, Development and Asset Strategies
Print Name and Title _____



3008 Fifth Avenue, Port Alberni, B.C. CANADA V9Y 2E3

Telephone (250) 720-2700 FAX: (250) 723-1327

February 9, 2023

Duane Lawrence, Chief Administrative Officer
Chief Rick Geddes
District of Ucluelet
Box 999
Ucluelet, BC V0R 3A0

Proposed Emergency Support Services Agreement

Dear Duane and Chief Geddes,

The Alberni-Clayoquot Regional District (ACRD) is requesting support from the District of Ucluelet (DoU) in providing Emergency Support Services (ESS) to the residents of the Long Beach Electoral Area by way of agreement (attached). Emergency Support Services are defined as services (core services include food, clothing, lodging, incidentals, transportation) provided on a short-term basis (typically 72 hours) to evacuees in emergency situations.

Staff have drafted this agreement to reflect Provincial guidance in that individuals are entitled to ESS if they are residing in their 'Primary Residence', defined as "the dwelling where an individual or family spends most of their personal time (can only hold one primary residence at a time)". ESS supports do not extend to recreational property owners as they are encouraged to return to their primary residence during an emergency. For context, according to the 2021 Census data there are a total of 680 private dwellings (includes recreational properties) in the Long Beach Electoral Area, of which 314 are private dwellings occupied by permanent residents.

In the three preceding years, staff are not aware of any ESS responses in the Long Beach Electoral Area. Staff are aware of one structure fire that impacted several residents in the Willowbrae Road area; however, ESS was not activated at that time. While this service is not used frequently, we have a legal obligation to provide this service and we are looking to the DoU and their active ESS team to provide this support on our behalf.

To further support Long Beach Electoral Area residents the ACRD has applied to the Union of BC Municipalities ESS Grant to purchase ESS supplies to be stored on the West Coast. The funding request included cots, bedding, emergency food and water rations, hygiene kits, First Aid supplies, and a pet care kit. Should this grant be successful we would be able to share these supplies with DoU and Yuułu?it?ath thereby strengthening your ESS program, should you have room to store them.

Thank you for considering this agreement and we look forward to hearing your thoughts.

Sincerely,

Daniel Sailland

Daniel Sailland, MBA
ACRD Chief Administrative Officer



March 7, 2023

Mayor Marilyn McEwen
District of Ucluelet
200 Main Street
Ucluelet, BC
V0R 3A0

By email to: info@ucluelet.ca

Dear Mayor McEwen,

The Board of the Barkley Community Forest Corporation will be meeting at our new community building at Macoah on April 12, 2023. Toquaht Nation will be hosting a lunch for Board Members at noon on April 12, followed by a tour showing recent development and improvements at Macoah, as well as ongoing work and plans at the Secret Beach Marina, campground, kayak launch, and new community development.

We will finish the tour with a look at the new Toquaht Developments sawmill and wood processing site at the Toquaht Bay dryland sort. We expect the tour will take about 90 minutes. We will conclude the tour no later than 3:00pm.

I want to extend an invitation to you and any members of your Council who may be available on April 12th to join us for lunch and the tour of our community. I understand that the Chair of the BCFC Board may also invite you and your Council to the BCFC Board meeting.

If you can attend, please rsvp to Ken Matthews (kenmatthews951@gmail.com) with the planned number of attendees so we can ensure adequate arrangements.

We look forward to seeing you at Macoah to discuss our joint efforts in the Barkley Community Forest, to show you the many improvements we are making to our Toquaht community, and to further cooperation between our communities.

Sincerely,

Anne Mack
taayii ḥawit
Toquaht Nation

cc: Terry Smith, Chair, BCFC Board (tdsmith@telus.net)

From: [REDACTED]
To: [Community Input Mailbox](#); [Info Ucluelet](#); [Marilyn McEwen \(Ucluelet Mayor\)](#)
Date: March 14, 2023 2:10:43 PM

[External]

Dear Mayor McEwan et al,

As a neighbour living on Rainforest Dr across the road from the development at 604 Rainforest Dr (corner of Marine Dr), I wanted to write to share my views regarding this how this development has unfolded.

I was not aware of this development when it was at proposal stage, and would have commented at that point if I had been aware. For my lack of awareness I take full responsibility (have since signed up for the Ucluelet community notification emails on the district website, which I hope will include public comment opportunity solicitations for similar projects in future). However, I will note that I did not notice signs or receive a written notice as a neighbour that would have alerted me to this proposal; if I had, I would have researched and commented.

In any case, I would like to share my views on how this development has unfolded, fully understanding that it is too late for any useful input on this site, in case it can inform future similar developments.

A primary concern of mine is preservation of ecological integrity within Ucluelet boundaries. Thus I am supportive of confining development to densification within existing developed footprints wherever possible. I am in strong favour of minimizing removal of existing forest cover within district boundaries, and where tree removal does take place, am in strong favour of policies that favour maximum retention of tree cover on developed lots - both as visual buffers along roadways, as has otherwise been done so well along Rainforest Dr, and for preservation of wildlife habitat connectivity and general ecological integrity.

I fully understand the dire need for additional housing in our community, and the need for medical care facilities. If it is not possible to construct these facilities within existing developed footprints, I am more in favour of careful/selective tree clearing for these land uses, than I am of tree removal for vacation rentals or for high-end condominiums that are unaffordable for many local working families. I am dismayed to hear that the large scale of tree loss at this property may possibly be making way for vacation rentals or perhaps less-affordable condominiums.

The document I can find online relating to this lot; <https://ucluelet.ca/images/Binder1.pdf>; states the following measures which I strongly support:

Existing trees and native species understorey to be retained and augmented where possible along both frontages and neighbouring property lines.

F.IV.17. Clear-cutting forested sites is prohibited. Developments must present plans showing tree retention and measures to ensure protection of existing significant trees and shrubs, clearly delineated limits of disturbance during construction, along with new plantings. The plans shall show pre- and post-development conditions to prevent over-cutting. Protection of adequate root zone buffers around retained trees shall be identified by a qualified professional

and shown on the plans;

F.IV.18. Mature Western Red Cedar and Sitka Spruce must be identified by a qualified arborist and, where they are determined to be healthy, preserved;

F.IV.22. All developments must provide robust visual buffers of parking, loading and service areas by way of retained and enhanced native vegetation along all boundaries. In the case of those boundaries fronting the road, reasonable efforts must be made to retain significant trees and shrubs between driveways;

As a neighbour to this site, I am highly disappointed to see that these provisions mentioned above appear to not have been followed - in fact, they have been directly contradicted:

-The site has indeed been clear-cut.

-I see very little tree retention, including zero visual buffer of retained native vegetation or retention of significant trees and shrubs between driveways along roadways.

-Multiple mature, healthy western red cedar trees have been removed.

These actions are in direct contradiction to the provisions I see related to lot 604 in the documents I can find online. I understand that as I was not privy to the development proposal process, there may have been more recent exemptions and modifications to the above-cited provisions which I did not find in an internet search online. If so, I am disappointed that these exemptions were granted. If the land clearing proceeded in a manner in direct contradiction to the stated provisions regarding retention of native vegetation, I am even more disappointed.

Thank you for considering my concerns and for bearing these concerns in mind for future, similar developments. In the current era of rapid biodiversity loss and climate change, retention of intact native vegetation is a priority that I will put my full support behind.

Sincerely,
Ian Cruickshank

Lailah McCallum

From: BIRGIT & DAVE TODD [REDACTED]
Sent: March 14, 2023 11:39 AM
To: Info Ucluelet
Subject: May--Lyme Disease Awareness Month in Canada

Follow Up Flag: Follow up
Flag Status: Flagged

[External]



Dear Mayor and Council,

The month of May is Lyme Disease Awareness Month across Canada. In order to raise awareness, members of BC Lyme are reaching out to their communities to support their efforts by lighting up their cities on May 3rd with Green lights. You can participate by:

1. Light up Green at any location in the city that supports green lighting.
2. and /or Share information to raise awareness on your social media.

The main awareness day is on May 3rd, but for those who can light up longer and share information on social media, this is very much appreciated as the entire month of May is Lyme Disease awareness month. I am hoping that the Community of Ucluelet will participate in this awareness campaign.

This year will be our 3rd year where the month of May was declared BC Lyme Awareness month by the Provincial Government. We are very proud of this accomplishment.

BC Lyme is a Support Group that continues to meet on Zoom since Covid. It is an informal group attended by Lyme sufferers all across the province. Attendance is free and open to all, including family and friends of those suffering from Lyme disease. The group invites prominent guest speakers and shares current information on all aspects of Lyme disease.

Lyme disease is the most common and fastest-growing vector-borne infection in Canada and the United States. It is caused by the bacteria *Borrelia Burgdorferi* transmitted by a tick. The tick also carries many co-infections such as *Bartonella*, *Babesia*, *Anaplasmosis*, *Ehrlichiosis*, *Mycoplasma* and many more! It has now spread to every province and state in North America and it is directly impacting people in our community.

Lyme disease and other tick-borne diseases are preventable. By taking the right precautions and spreading the word, we can effectively protect all from Lyme. As we spend more time outdoors in beautiful BC, it is more important than ever that people are well informed on how to protect themselves and their loved ones from this vector borne disease. This is why this Awareness campaign is very important. Prevention is our best chance to avoid infection! You will find information on prevention, safe tick removal, transmission and more on our website <https://www.bclyme.com/>

I can provide you with information on prevention, safe tick removal, transmission, etc. that can be shared on your social media.

I hope the Community of Ucluelet will participate in the May 3rd Green light event and light up the City Hall and any other location in the city will support green lighting. If possible, we would appreciate you keeping the lights green a little longer in May and post information about Lyme on your social media.

If you require more information, please do not hesitate to ask.

I look forward to hearing back from you

Regards,

Ms Birgit Davis-Todd

[Redacted]
[Redacted]

Volunteer, BC Lyme
Non-Profit Society